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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केंद्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 3rd May 1968

S. O. 1685.—In exercise of the powers conferred by section 21 and sub-section (i) of section 22 of the Representation of the People Act, 1951 (43 of 1951) and in supersession of its notification No. 434/MT/66(2), dated the 14th December, 1966, the Election Commission hereby appoints, in respect of each of the parliamentary constituencies in the State of Maharashtra and specified in column 1 of the table below :—

- the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer; and
- the officers specified in the corresponding entries in column 3 of the said Table to be the Assistant Returning Officers :

TABLE

Sl. No. and name of the constituency	Returning Officer	Assistant Returning Officer
1	2	3
1. Rajapur	Collector of Ratnagiri.	1. Sub-Divisional Officer, Sawantwadi. 2. Leave Reserve Deputy Collector, Ratnagiri. 3. Sub-Divisional Officer, Ratnagiri. 4. Special Deputy Collector, Tenancy Appeals (II), Ratnagiri (H.Q. Kankavali).

1	2	3
2. Ratnagiri	Collector of Ratnagiri	1. Special Deputy Collector, Tenancy Appeals (I), Ratnagiri (H.Q. Chiplun). 2. Leave Reserve Deputy Collector, Ratnagiri. 3. Sub-Divisional Officer, Chiplun. 4. Sub-Divisional Officer, Dapoli.
3. Kolaba	Collector of Kolaba	1. Sub-Divisional Officer, Mahad. 2. Leave Reserve Deputy Collector, Kolaba (H.Q. Alibag). 3. Sub-Divisional Officer, Alibag. 4. Sub-Divisional Officer, Panvel.
4. Bombay South	Collector of Bombay and Bombay Suburban District.	1. Special Land Acquisition Officer, No. 2 Bombay. 2. Assistant Commissioner (Revenue), Bombay Division. 3. Special Land Acquisition Officer, No. 4, Bombay. 4. Deputy Collector, Bombay and Resident Deputy Collector, Bombay Suburban District.
5. Bombay Central South.	Collector of Bombay and Bombay Suburban District.	1. Deputy Collector, Sales Tax, Bombay. 2. Deputy Collector, Bombay and Resident Deputy Collector, Bombay Suburban District. 3. Assistant Commissioner (General), Bombay Division. 4. Special Land Acquisition Officer No. 6, Bombay.
6. Bombay Central	Additional Collector, Bombay Suburban District.	1. Deputy Collector, Leave Reserve Commissioner's Office, Bombay Division. 2. Special Land Acquisition Officer, No. 5, Bombay. 3. Assistant Commissioner (Supply), Bombay Division. 4. Special Land Acquisition Officer, No. 7, Bombay. 5. Additional Collector, Income Tax Recoveries, Bombay.
7. Bombay North West	Additional Collector, Bombay Suburban District.	1. Leave Reserve Deputy Collector, Bombay Suburban District. 2. Additional Deputy Collector, Bombay Suburban District. 3. District Deputy Collector, Bombay Suburban District.
8. Bombay North East	Deputy Commissioner, Bombay Division.	1. Special Land Acquisition Officer, No. 8, Bombay. 2. Special Land Acquisition Officer (High Ways), Bombay. 3. Sub-Divisional Officer, Thana. 4. Special Deputy Collector for Tenancy Appeals, Thana.
9. Bhiwandi	Collector of Thana	1. Sub-Divisional Officer, Panvel. 2. Administrator, Ulhasnagar. 3. Sub-Divisional Officer, Thana. 4. Sub-Divisional Officer, Bhiwandi. 5. Sub-Divisional Officer, Haveli (H.Q. Poona).

1	2	3
10. Dahanu	Additional Collector, Thana.	<ol style="list-style-type: none"> 1. Special Land Acquisition Officer, Upper Vaitarna, Scheme, Thana. 2. Sub-Divisional Officer, Dahanu. 3. Special Land Acquisition Officer, Second Milk Colony, Dahanu. 4. Special Land Acquisition Officer, Ulhas Valley Project, Thana. 5. Sub-Divisional Officer, Nasik.
11. Nasik	Collector of Nasik	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Nasik. 2. Sub-Divisional Officer, Niphad. 3. Leave Reserve Deputy Collector, Nasik.
12. Malegaon	Collector of Nasik	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Malegaon. 2. Land Acquisition Officer, Defence Project, Nasik. 3. Special Deputy Collector, Tenancy Appeals, Nasik.
13. Nandurbar	Collector of Dhulia	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Dhulia. 2. Sub-Divisional Officer, Nandurbar. 3. Leave Reserve Deputy Collector, Dhulia.
14. Dhulia	Collector of Dhulia	<ol style="list-style-type: none"> 1. Leave Reserve Deputy Collector, Dhulia. 2. Sub-Divisional Officer, Dhulia. 3. Sub-Divisional Officer, Amalner. 4. Leave Reserve Deputy Collector, Jalgaon.
15. Jalgaon	Collector of Jalgaon	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Chalisgaon. 2. Leave Reserve Deputy Collector, Jalgaon. 3. Land Acquisition Officer, Defence Project, Bhusawal. 4. Sub-Divisional Officer, Jalgaon.
16. Buldana	Collector of Buldana	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Jalgaon. 2. Land Acquisition Officer, Defence Project, Bhusawal. 3. Sub-Divisional Officer, Malkapur. 4. Leave Reserve Deputy Collector, Buldana. 5. Sub-Divisional Officer, Buldana.
17. Khamgaon	Collector of Buldana	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Mehkar. 2. Sub-Divisional Officer, Khamgaon. 3. Sub-Divisional Officer, Jalgaon. 4. Sub-Divisional Officer, Washim.
18. Akola	Collector of Akola	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Akola. 2. Sub-Divisional Officer, Akot. 3. Leave Reserve Deputy Collector, Akola. 4. Sub-Divisional Officer, Balapur. 5. Sub-Divisional Officer, Mangrulpir. 6. Sub-Divisional Officer, Murtazapur.
19. Amravati	Collector of Amravati	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Daryapur. 2. Sub-Divisional Officer, Achalpur. 3. Sub-Divisional Officer, Amravati. 4. Sub-Divisional Officer, Chandur. 5. Leave Reserve Deputy Collector, Amravati.
20. Ramtek	Collector of Nagpur	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Achalpur. 2. Sub-Divisional Officer, Morshi. 3. Deputy Collector, Land Reforms, Nagpur. 4. Sub-Divisional Officer, Katol. 5. Sub-Divisional Officer, Saoner. 6. Sub-Divisional Officer, Ramtek.

1	2	3
21. Nagpur . . .	Collector of Nagpur	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Umrer. 2. Special Land Acquisition Officer, N.I.T., Nagpur. 3. Rent Controller and Deputy Collector, Nagpur. 4. Nazul Officer, Nagpur. 5. Deputy Collector and City Magistrate, Nagpur. 6. Sub-Divisional Officer, Nagpur.
22. Bhandara . . .	Collector of Bhandara	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Bhandara. 2. Sub-Divisional Officer, Gondia. 3. Special Deputy Collector, Land Reforms Bhandara.
23. Chimmur . . .	Collector of Bhandara	<ol style="list-style-type: none"> 1. Leave Reserve Deputy Collector, Bhandara. 2. Sub-Divisional Officer, Sakoli. 3. Special Deputy Collector, Land Reforms, Chanda. 4. Sub-Divisional Officer, Brahmapuri. 5. Sub-Divisional Officer, Warora.
24. Chanda . . .	Collector of Chanda	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Gadchiroli. 2. Sub-Divisional Officer, Sironcha (H.Q. Aheri). 3. Deputy Collector, Rajura. 4. Sub-Divisional Officer, Chanda. 5. Sub-Divisional Officer, Warora.
25. Wardha . . .	Collector of Wardha	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Arvi. 2. Leave Reserve Deputy Collector, Wardha. 3. Sub-Divisional Officer, Wardha. 4. Sub-Divisional Officer, Hinganghat. 5. Sub-Divisional Officer, Wani. 6. Sub-Divisional Officer, Kelapur.
26. Yeotmal . . .	Collector of Yeotmal	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Kelapur. 2. Sub-Divisional Officer, Yeotmal. 3. Sub-Divisional Officer, Darwaha. 4. Sub-Divisional Officer, Pusad.
27. Nanded . . .	Collector of Nanded	<ol style="list-style-type: none"> 1. Leave Reserve Deputy Collector, Nanded. 2. Deputy Collector, Land Reform Nanded. 3. Sub-Divisional Officer, Nanded. 4. Sub-Divisional Officer, Degloor.
28. Latur . . .	Collector of Osmanabad	<ol style="list-style-type: none"> 1. Leave Reserve Deputy Collector, Nanded. 2. Leave Reserve Deputy Collector, Parbhani. 3. Sub-Divisional Officer, Sailu. 4. Special Land Acquisition Officer, Osmanabad. 5. Sub-Divisional Officer, Udgir. 6. Sub-Divisional Officer, Latur.
29. Parbhani . . .	Collector of Parbhani	<ol style="list-style-type: none"> 1. Deputy Collector, Land Ceiling Parbhani. 2. Sub-Divisional Officer, Hingoli. 3. Leave Reserve Deputy Collector, Parbhani. 4. Sub-Divisional Officer, Sailu.

1	2	3
30. Jalna . . .	Collector of Aurangabad	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Jalna. 2. Leave Reserve Deputy Collector, Collector's Office, Aurangabad. 3. Special Land Acquisition Officer, Jayakwadi Project, Aurangabad. 4. Sub-Divisional Officer, Bhir.
31. Aurangabad . . .	Collector of Aurangabad	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Vaijapur. 2. Special Land Acquisition Officer, Aurangabad. 3. Sub-Divisional Officer, Aurangabad. 4. Special Land Acquisition Officer, Jayakwadi Project, Aurangabad.
32. Bhir . . .	Collector of Bhir	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Ambajogai. 2. Sub-Divisional Officer, Bhir. 3. Leave Reserve Deputy Collector, Bhir. 4. Deputy Collector, Land Reforms, Bhir.
33. Osmanabad . . .	Collector of Osmanabad	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Latur. 2. Sub-Divisional Officer, Osmanabad. 3. Special Land Acquisition Officer, Osmanabad. 4. Sub-Divisional Officer, Udgir. 5. Leave Reserve Deputy Collector, Osmanabad.
34. Sholapur . . .	Collector of Sholapur	<ol style="list-style-type: none"> 1. Leave Reserve Deputy Collector, Osmanabad. 2. Special Deputy Collector for Tenancy Appeals, Sholapur. 3. Leave Reserve Deputy Collector, Sholapur. 4. Sub-Divisional Officer, Sholapur.
35. Pandharpur . . .	Collector of Sholapur	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Pandharpur. 2. Special Deputy Collector (Land Ceilings) for S.M.S.F. & C.A.P. Ltd., Malshiras. 3. Sub-Divisional Officer, Sholapur. 4. Sub-Divisional Officer, Mahda. 5. Special Deputy Collector (Land Ceilings) for B.M.S.S. Ltd., Malshiras.
36. Ahmednagar . . .	Collector of Ahmednagar	<ol style="list-style-type: none"> 1. Sub-Divisional Officer, Parner. 2. Leave Reserve Deputy Collector, Ahmednagar. 3. Sub-Divisional Officer, Rahuri.
37. Kopergaon . . .	Collector of Ahmednagar	<ol style="list-style-type: none"> 1. Deputy Collector and Agricultural Land Tribunal, Ahmednagar. 2. Special Deputy Collector for Tenancy Appeals, Ahmednagar. 3. Special Land Acquisition Officer, Mula Project, Ahmednagar. 4. Sub-Divisional Officer, Sangamner.
38. Khod . . .	Collector of Poona	<ol style="list-style-type: none"> 1. Special Deputy Collector for Tenancy Appeals, Poona. 2. Sub-Divisional Officer, Junnar (H. Q. Khed). 3. Assistant Commissioner (Revenue), Poona Division, Poona. 4. Special Land Acquisition Officer, (9), Poona. 5. Deputy Collector and Agricultural Land Tribunal, Baramati. 6. Leave Reserve Deputy Collector, Commissioner's Office, Poona.

1	2	3
39. Poona . . .	Collector of Poona .	1. Leave Reserve Deputy Collector, Poona. 2. Assistant Commissioner, (Land Ceilings), Poona. 3. Special Land Acquisition Officer (5), Poona. 4. Assistant Commissioner (Supply), Poona Division, Poona. 5. Additional Sub-Divisional Magistrate, Poona. 6. Deputy Collector for Sales Tax Recoveries, Poona Division.
40. Baramati . . .	Additional Collector of Poona	1. Special Deputy Collector (Land Ceilings) for B.M.S.S. Ltd., Malshiras. 2. Sub-Divisional Officer, Madha. 3. Deputy Collector of Income Tax Recoveries, Poona. 4. Special Land Acquisition Officer, (Southern Railway) Poona. 5. Special Deputy Collector for (Land Ceilings), Walchandnagar, Baramati. 6. Sub-Divisional Officer, Baramati.
41. Satara . . .	Collector of Satara .	1. Sub-Divisional Officer, Phaltan. 2. Leave Reserve Deputy Collector Satara. 3. Sub-Divisional Officer, Satara. 4. Sub-Divisional Officer, Mahabaleshwar.
42. Karad . . .	Collector of Satara .	1. Sub-Divisional Officer, Mahabaleshwar. 2. Sub-Divisional Officer, Satara. 3. Additional Special Land Acquisition Officer, Koyna Project, Satara. 4. Sub-Divisional Officer, Walva (H.Q. Sangli).
43. Sangli . . .	Collector of Sangli .	1. Leave Reserve Deputy Collector, Sangli. 2. Sub-Divisional Officer, Miraj. 3. Special Land Acquisition Officer, Broad Gauge, Miraj.
44. Hatkanangale . . .	Collector of Kolhapur	1. Special Deputy Collector, Land Ceilings, Kolhapur. 2. Agricultural Lands Tribunal, Hatkanangale. 3. Sub-Divisional Officer, Shahuwadi. 4. Sub-Divisional Officer, Karvir.
45. Kolhapur . . .	Collector of Kolhapur.	1. Sub-Divisional Officer, Sawantwadi. 2. Leave Reserve Deputy Collector, Kolhapur. 3. Sub-Divisional Officer, Karvir. 4. Sub-Divisional Officer, Gadhinglaj.

[No. 434/MT/68.]

By order,

K .S. RAJAGOPALAN, Secy.

New Delhi, the 7th May 1968

S.O. 1686.—In pursuance of clause (b) sub-section (2) of section 116C of the Representation of the People Act, 1951, the Election Commission hereby publishes the judgment of the Supreme Court, delivered on the 23rd April, 1968, on an appeal from the Order dated the 4th December, 1967, of the High Court for the States of Punjab and Haryana at Chandigarh, in election petition No. 37 of 1967.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 1949 (NCE) OF 1967

Ram Kishan—Appellant.

V.

Jai Singh & Others—Respondents.

JUDGMENT

Hidayatullah, C.J.

This is an appeal against the judgment and order of the High Court of Punjab and Haryana at Chandigarh, December 4, 1967, declaring the election of the appellant void under s. 100(1)(b) of the Representation of the People Act.

The appellant Ram Kishan (described in this judgment as the returned candidate) contested the last General Election to the Lok Sabha from the Hoshiarpur Parliamentary Constituency. There were six other candidates including the first respondent, Jai Singh a retired General of the Indian Army, who was the election petitioner. He will be referred to as the election petitioner in this judgment. The returned candidate represented the Congress Party and the election petitioner, although an independent candidate, had support of the Bhartiya Jan-Sangh. The poll took place on February 19, 1967, the votes were counted on the 21st and 22nd February, 1967. The returned candidate obtained 95,877 votes and the election petitioner was his closest rival obtaining 94,365 votes. The result of the poll was declared on February 23, 1967 and Ram Kishan was declared elected. The election petitioner then filed the election petition on April 10, 1967 alleging corrupt practices on the part of the returned candidate. The corrupt practices charged against him included publication of a poster containing statements of facts which were either false or were not believed to be true in relation to the personal character and the conduct of the election petitioner and being statements calculated to prejudice his prospects in the election. There were other grounds also but as the High Court has decided that this corrupt practice was, in fact, committed by the candidate or his agent with the consent of the candidate and we are satisfied that this conclusion is right both in fact and in law, we need not mention the other allegations in the election petition.

The poster in question is marked Ex. P.W. 10/6. It was a large poster in Urdu written in large characters and read as follows:—

"Who is an enemy of National Integrity?	Jan Sanghi Firqa
Who will strave the Nation?	do
Who disturbs the peace of the country?	do
Who betrays the country?	do
Who instigates the communalism?	do
Who has burnt alive human being in the country?	do
Who poisons the children with communalism in the Country?	do
Who is an enemy of democracy in the country?	do

VOTERS please think over and beware of these liars, communalists, traitors, men of no principle and cheats and tell them that we do not want a traitor general who is a deserter of every battle field. Hence vote for a tested congress candidate Comrade Ram Kishan and give him success.

Congress opponents are misleading the public with their baseless allegations.

The fire of the pyre of alive persons of Panipat will burn these cunning to ashes.

Krishan Parshad Chopra,
Election Incharge Commrade Ram Kishan
Congress Candiate Parliament."

That such a poster was, in fact, issued by Krishan Parshad Chopra (R.W. 27), who was incharge of the election of the returned candidate, is not denied before us. It is, however, contended that it was so done without the consent or knowledge of the returned candidate and that therefore the requirements of section 123(4) of the Act have not been made out and the case does not fall within section

100(1)(b) of the Act under which the election of the returned candidate can be declared void. Before we consider the evidence relating to the publication of the poster and the facts on which the consent of the returned candidate can be inferred we may refer to the law applicable to the case.

Section 100, sub-section (1) of the Representation of the People Act provides:

“100. Grounds for declaring election to be void.—

(1) Subject to the provisions of sub-section (2) if the High Court is of opinion—

(a) *

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or

*

*

the High Court shall declare the election of the returned candidate to be void.”

The corrupt practice on the part of the returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent renders void the election of the successful candidate. “Corrupt practice” is defined by section 123 of the Act and by fourth sub-section the following is included:

“(4) The publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

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Explanation.—(1) In this section the expression ‘agent’ includes an election agent, polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.”

The election petitioner under these two sections was required to establish (a) that the corrupt practice consisting of the publication of the poster was by the returned candidate or his agent (which term includes any person who is held to have acted as an agent in connection with the election with the consent of the returned candidate) or by any other person with the consent of a candidate or his agent (b) that it consisted of any statement of fact which was false or which was either believed to be false or was not believed to be true, (c) the statement was in relation to the personal character or conduct of the candidate, and (d) the statement was reasonably calculated to prejudice the prospect of the election of such candidate. It is obvious, and in fact it cannot for a moment be doubted, that to call a soldier a deserter from the field of action and to be a traitor to the country, is a calumny upon the character and conduct of such a person. It is equally true that such a statement, if broadcast, is likely to prejudice the prospect of such a candidate's election because every voter will hold him in contempt and rather than vote for him would shun him. Thus the only question is whether the publication was done by the candidate or his agent or any other person with the consent of the candidate or his election agent and whether the statement which was incorporated in the poster, was either believed to be false or was not believed to be true. The High Court has found all these points against the returned candidate and the only question in his appeal is whether the High Court has erred in its conclusion.

The poster was prepared by Krishan Parshad Chopra (R.W. 27) as a counter-blast to the poster issued and published by the supporters of the Jan Sangh. This Krishan Parshad was admittedly the person incharge of the election of the candidate. He was previously also incharge of his election in the first three elections. The returned candidate admitted that he had left the conduct of the election to Krishan Parshad Chopra. Krishan Parshad had the poster printed through one Sohan Lal at the Chopra Printing Press. Sohan Lal (P.W. 10) who is the owner of the Bhapa Printing Press, Jullundur, however, admitted that Ex. P.W. 10/6 was printed at the instance of Krishan Parshad Chopra, the person incharge of the election of the returned candidate and that Ex. P.W. 10/3 was the bill for the poster of which 1,000 copies were printed. Chopra had shown him a letter appointing him as the person incharge of the election by the returned

candidate and he questioned Chopra why such a poster was being printed. He was told that as the other side was getting strong'y-worded posters printed, Chopra was getting this poster printed as a reply. Numerous witnesses have come to prove that the poster was, in fact, published although Mr. S. V. Gupta on behalf of the returned candidate contended that we should not believe them on this point because their testimony regarding the oral statements to the same effect at the same meeting was not accepted by the High Court and the witnesses were generally characterised as untrustworthy. We see no reason not to accept the testimony about publication because the returned candidate himself admitted that he had seen the posters. We are, therefore, satisfied that a poster charging the election petitioner with cowardice and desertion on the field of battle and betrayal of his own country was not only got printed but was also published.

The only questions are whether this was a statement of fact which was believed to be false or was not believed to be true. An attempt was made by Krishan Parshad Chopra to establish that he had made enquiries and also read a book in which military career of the Indian Generals was said to be given. According to his reports and the book of the election petitioner had taken no part in any battle. Krishan Parshad further went on to say that when China and Pakistan attacked India in 1962 and 1965, the election petitioner had not offered his service as a General nor had he volunteered to work in the defence of the country. He thus attempted to establish that the allegation was, in fact, true and was so believed by him to be true. The High Court has not accepted this evidence. The book in question (said to be General Kaul's well-known book) cannot be assumed to be such a dependable document that if it does not mention the name of a particular General it can be safely concluded that that General had taken no part in any battle. The conduct of the election petitioner in not offering his services may be explainable on various grounds such as health, domestic and family circumstances and the like. Such conduct cannot always be regarded as a betrayal of the country or as indicating cowardice. There was thus no reason for issuing a poster and it is obvious that the persons who issued the poster either stated a fact which was false or which they did not believe to be true. In other words, this means that a corrupt practice was, in fact, practised.

The next question is whether this was done with the consent of the returned candidate. Here the evidence is not direct and in fact can seldom be direct. The conclusion is reached by the High Court on a reasonable view of all the circumstances of the case. These circumstances are, in our opinion, quite cogent to lead to the conclusion that the publication was done with the consent of the returned candidate. To begin with, as we have already stated, the returned candidate admitted that he had left the full direction of his election campaign to Krishan Parshad Chopra who had successfully worked for him in the first three General Elections. This itself may be taken as an approval of what Krishan Parshad did because if a person trusts another and leaves the matter in the latter's hand he cannot then turn round and say that some act of his was without his consent provided other circumstances point to the fact that his consent must have been in same way forthcoming. These circumstances are supplied in this case by a number of facts. Krishan Parshad said that he had been instructed that there should be no propaganda against moral principles of law, nor should it be untrue nor should it injure feelings of others. The returned candidate stated that his instructions to him were that no obscene propaganda should be carried on and nothing false should be stated and the personal character of any candidate should not be assailed. There is some difference in the two versions. Krishan Parshad Chopra admitted that he did not know the election law and, therefore, he apparently did not understand that the instructions prohibited the assailing of private character and conduct of the opposing candidates. If he had rightly understood the instructions and know the consequences of making such aspersions it is reasonable to think that he would have avoided them.

But this is not the end of the matter. P.W. 27 (Chander Bhushan Pal) stated that the posters had begun to appear one week before the date of the poll. A large number of witnesses stated that they appeared in several parts of the constituency which consisted of as many as 8 Assembly constituencies. No doubt the opposite party must have been pulling down or obliterating the posters as soon as they went up but it was equally probable that new posters must have been hung as soon as the others were removed. In fact, the returned candidate himself stated that he had seen the posters 5 or 7 days before the poll. P.W. 27 was not cross-examined and is corroborated by the returned candidate. There was time enough for the returned candidate to have done something to countermand these posters by clearing to the public that he was not responsible for these posters and that they should not put any faith in them. He did nothing

of the kind. On the other hand, his account of election expenses included payment for this poster which shows that he adopted the act of Krishan Parshad Chopra who was incharge of his election. It is futile to argue that since this expenditure had been made it had to be shown in the election expenses. If the poster had not been issued on his behalf there was no need for the returned candidate to have shown the expenditure in his account of expenses. It is obvious that he saw the poster, did not see any harm in what had been done and therefore adopted the act of Krishan Parshad Chopra as his own. In view of the general power which Krishan Parshad Chopra enjoyed in the matter of the returned candidate's election campaign he must be held to be his agent for the purpose of section 123(4) because of the Explanation already quoted. This general power was sufficient to establish a kind of prior consent which is rendered more certain by the subsequent conduct of the candidate in not disowning or contradicting the poster or refusing to pay the charges for the printing.

The whole action, therefore, is an integrated one right from the appointment of Krishan Parshad Chopra as the all-in-all agent to run the election of the appellant and the knowledge of the poster by the returned candidate between first appearance of the poster and the poll. The returned candidate having seen the poster must have realised that they were casting aspersions on the personal conduct and character of his nearest rival. It was his duty to clear this impression. Although refusal to pay might not have exonerated him from the charge of corrupt practice, still he could improve his stand by at least doing so. Having neglected to dis-own the poster and, on the other hand, having paid the charges for printing it, he cannot now accept the inference that all this was done with his consent.

Mr. Gupta argued that even if he accepted all the facts, under the law the consent must be prior to the publication of the poster and there was no evidence to show that he had so consented. This is true on the evidence as it stands. But the evidence must be read in the light of probabilities and attending circumstances. Here the returned candidate is found to be in a very unfavourable light. He took no action whatever in the matter and adopted the action of Krishan Parshad: thus identifying himself with the poster and its publication. Evidence proving a direct connection or consent is not to be expected in these circumstances and, we think, that the High Court was right in reaching the conclusion that the only inference that can be raised was that Krishan Parshad Chopra was the agent within section 123(4) and even if he was to be treated "any other person" he must be regarded as a person who had the consent of the candidate. In our judgement, this corrupt practice was brought home to the returned candidate and the High Court was right in declaring his election void. We see no force in the appeal and it is, therefore, dismissed.

Sd./- M. HIDAYATULLA, Chief Justice.

Sd./- J. C. SHAH, Justice.

Sd./- V. BHARGAVA, Justice.

NEW DELHI,
April 23, 1968.

[No. 82/PB/37/67.]

New Delhi, the 8th May 1968

S.O. 1687.—In pursuance of section 111 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the Order dated the 16th October, 1967, passed by the Bombay High Court in Election Petition No. 10 of 1967.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ELECTION PETITION No. 10 OF 1967

District Dhulia

Zulal Bhilajirao Patil, Age 53 Advocate and Agriculturist of Dhulla, Taluka and District Dhulla—*Pettitioner*.

Versus

1. Chudaman Ananda Patil Age 55, Agriculturist of Mohadi, Pr. Laling Taluka and District Dhulia.

2. Ashok Bapurao Nilay, Age 40, Advocate of Dhulia (Deopur), Taluka and District Dhulia—*Respondents*.

Coram:—Tulzapurkar, J.

16th October, 1967.

Called application for withdrawal.

Mr. P. B. Sawant—for Petitioner.

Respondents absent.

Mr. Sawant says that Notice of withdrawal of the Petition has been published in the Official Gazette.

P.C.—Petition allowed to be withdrawn for reasons mentioned in the application for withdrawal.

Notice of the withdrawal to be published in the Official Gazette and in the next issue of "Maza Dosh" a weekly at Dhulia.

No Order as to costs.

Prothonotary will allow the Petitioner to withdraw the balance of the amount lying with him after deducting the filing charges, issuing Notices and other costs and charges incurred in the matter.

Sd./ D.S.R.

16-10-1967.

[No. 82/10/BY/67.]

ORDERS

New Delhi, the 15th April 1968

S.O. 1688.—Whereas the Election Commission is satisfied that Shri J. J. Guruprakas, The Universal Prakasam Hospital, Paruthipara, Trivandrum-4, a contesting candidate for election to the House of the People from the Trivandrum Parliamentary Constituency, has failed to lodge an account of his election expenses within time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for this default;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri J. J. Guruprakas to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-HP/19/67(4).]

New Delhi, the 6th May 1968

S.O. 1689.—Whereas the Election Commission is satisfied that Shri Mala Singotam, Communist Party Office, Nagarkurnool (Andhra Pradesh) a contesting candidate for election to the House of the People from 28-Nagarkurnool constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mala Singotam to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/26/67.]

By order,

A. N. SEN, Secy.

MINISTRY OF HOME AFFAIRS*New Delhi, the 7th May 1968*

S.O. 1690.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—

1. (1) These rules may be called the Authentication (Orders and other Instruments) (Second Amendment) Rules, 1968.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Authentication (Orders and other Instruments) Rules, 1958, after clause (a) the following clause shall be inserted, namely:—

“(al) by the signature of a Head of Department as defined in the Delegation of Financial Powers Rules, 1958, other than a Head of Department in any Union territory.”

[No. 3/4/68-Pub.I.]

L. D. HINDI, Under Secy.

CABINET SECRETARIAT**(Department of Statistics)***New Delhi, the 6th May 1968*

S.O. 1691.—The following draft of rules further to amend the Collector of Statistics (Central) Rules, 1959, which the Central Government proposes to make in exercise of the powers conferred by section 14 of the Collection of Statistics Act, 1953 (32 of 1953), is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 5th June 1968.

Any objections or suggestions received from any person with respect to the said draft before the said date will be considered by the Central Government.

Draft Rules

1. These rules may be called the Collection of Statistics (Central) Amendment Rules, 1968

2. In rule 2 of the Collection of Statistics (Central) Rules, 1959 (hereinafter referred to as the said rules), for clause (5), the following clause shall be substituted, namely:—

“(5) ‘survey year’, in relation to a factory, industrial concern or plantation, means the accounting year of the factory, industrial concern, or plantation, ending on any date between 1st of April of the year in respect of which the statistics are being collected and the 31st of March of the succeeding year.”

3. In rule 3 of the said rules, in clause (b), the words “or if the company’s accounting year does not correspond to the survey year, then for the accounting year which corresponds as nearly as possible to the survey year for which the accounts have been closed” shall be omitted.

[No. 16/3/68-Tech.]

S. P. JAIN, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS*New Delhi, the 4th May 1968*

S.O. 1692.—In exercise of the powers conferred by Rule 6(IA) of the Haj Committee Rules, 1963 (as amended), the Central Government hereby declare vacant the seats of Sarvashri Mohiuddin Noor Mohamed Munshi and Khattal Musa

Phaniband, Members of the Haj Committee, Bombay as established by the Central Government under Notification No. M.II-1181(4)/67, dated the 28th October, 1967, as they have ceased to be the Members of the newly constituted Municipal Corporation of Greater Bombay.

[No. M.II-1181(4)/67.]

T. T. P. ABDULLAH,
Director (Personnel & Haj Affairs)...

विदेश मंत्रालय

नई दिल्ली, 4 मई 1968

एस० नो० 1693.—हज समिति नियम, 1963 (यथासंशोधित) के नियम 6 (आईए) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्र सरकार इसके द्वारा अपनी अधिसूचना संख्या एम-II-1181 (4)/67, दिनांक 28 अक्टूबर 1967 के अन्तर्गत गठित हज समिति, बंबई, के सदस्य, सर्वश्री मोहिउद्दीन नूर मोहम्मद मुंशी और खटल मूसा फणिबंद के स्थान खाली होने की घोषणा करता है क्योंकि वे वृहत्तर बंबई के नवनिर्मित म्यूनिसिपल कारपोरेशन के सदस्य नहीं रहे हैं।

[न० एम-II-1181 (4)/67]

टी० टी० पी० अब्दुल्ला,

निदेशक (कर्मचारी एवं हजकार्य)।

OFFICE OF THE JOINT CHIEF CONTROLLER OF IMPORTS AND EXPORTS

(Central Licensing Area)

ORDER

New Delhi, the 25th April 1968

S.O. 1694.—A licence No. PSS 1607684/C/XX'25'CD/23'24, dated 18th September 1967 of the value of Rs. 800 for import of Copper and Zinc was issued to M/s. General Metallica Company, 62, Najafgarh Road, New Delhi subject to the condition that all the items of the goods imported under it should be used only in the licence holder's factory at the address shown in the application against which the licence is issued or may be processed in the factory of another manufacturing unit but no portion thereof shall be sold to any other party or utilised or permitted to be used in any other manner.

2. Thereafter, a show cause notice No. G-18/67/ENF/CLA/4723, dated 15th January 1968, was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the Central Government is satisfied that the licence will not serve the purpose for which it has been granted in terms of Clause 9, sub-clause (cc).

3. In response to the aforesaid show cause notice M/s. General Metallica Company, 62, Najafgarh Road, New Delhi have furnished no explanation.

4. Having regard to what has been stated in the preceding paragraph the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order 1955 hereby cancel the licence No. P[SS]1607684/C[XX]25[CD]23-24 dated 18th September, 1967 for Rs. 800 issued in favour of M/s. General Metallica Company, 62, Najafgarh Road, New Delhi.

To
M/s. General Metallica Company,
62, Najafgarh Road,
New Delhi.

[No. G-18/67/ENF/CLA/363.]

J. S. BEDI,
Jt. Chief Controller of Imports & Exports.

OFFICE OF THE JOINT CHIEF CONTROLLER OF IMPORTS AND EXPORTS**(Baggage Licensing Section)****ORDER***New Delhi, the 1st May 1968*

S.O. 1695.—Shri Kaveshwar Chandra Kapoor of 28/479 Adash Nagar Worli Bombay-18 was granted the Custom Clearance Permit No. P/CC/2359928/N/YY/28/C/H dated 20th February, 1968 for import of his car. He has applied for duplicate of the custom clearance permit on the ground that the original Custom clearance permit has been lost or misplaced. It is further stated that the original custom Permit was not registered with any Customs house and not utilised.

In support of this contention Shri Kaveshwar Chandra Kapoor has filed an affidavit. I am satisfied that the original Custom Clearance Permit No. P./CC/2359928 dated 20th February, 1968 has been lost or misplaced and direct that duplicate may be issued to him.

The original Custom clearance permit is cancelled.

[No. 2(B-534)67-68/BLS/664.]

P. C. NANDA,

Deputy Chief Controller of Imports & Exports
for Chief Controller of Imports & Exports.

MINISTRY OF FINANCE**(Department of Economic Affairs)***New Delhi, the 8th May 1968*

S.O. 1696.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Derajat Bank Ltd., Amritsar, in respect of the agricultural land measuring 128 kanals, 1 marla and 5 fields held by it in Village Saktuwal, Tehsil Batala, District Gurdaspur, Punjab, upto the 31st October 1968.

[No. F.15(15)-BC/68.]

New Delhi, the 10th May 1968

S.O. 1697.—Statement of the Affairs of the Reserve Bank of India as on the 3rd May, 1968

BANKING DEPARTMENT

LIABILITIES	Rs	ASSETS	Rs.
Capital Paid Up . . .	5,00,00,000	Notes	10,69,92,000
		Rupce Coin	3,76,000
Reserve Fund	80,00,00,000	Small Coin	3,74,000
National Agricultural Credit (Long Term Operations) Fund . . .	131,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	75,01,26,000
National Agricultural Credit (Stabilisation) Fund . . .	25,00,00,000	Balances Held Abroad*	154,66,26,000
National Industrial Credit (Long Term Operations) Fund . . .	30,00,00,000	Investments**	183,31,79,000
		Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments@	131,73,63,000
Deposits—		Loans and Advances to :—	
(a) Government—		(i) Scheduled Commercial Banks†	116,94,82,000
(i) Central Government	56,07,96,000	(ii) State Co-operative Banks††	147,41,84,000
		(iii) Others	2,38,21,000

LIABILITIES	Rs.	ASSETS	Rs.
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(ii) State Governments	4 71,24,00	(a) Loans and Advances to :—	
		(i) State Governments	31,69,61,000
		(ii) State Co-operative Banks	11,85,20,000
		(iii) Central Land Mortgage Banks	..
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	7,93,62,000
(i) Scheduled Commercial Banks	140,00,62,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	6,43,23,000	Loans and Advances to State Co-operative Banks	7,06,80,000
(iii) Non-Scheduled State Co-operative Banks	66,42,000		
(iv) Other Banks	10,33,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others	324,47,03,000	(a) Loans and Advances to the Development Bank	6,08,93,000
Bills payable	27,67,33,000	(b) Investment in bonds/debentures issued by the Development Bank	
Other Liabilities	119,33,41,000	Other Assets	63,58,18,000
Rupees	950,47,57,000	Rupees	950,47,57,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 95,25,42,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agriculture Credit (Stabilisation) Fund.

Dated the 8th day of May, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 3rd day of May, 1968

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	10,69,92,000		Gold Coin and Bullion :—		
Notes in Circulation	3326,90,10,000		(a) Held in India	115,89,25,000	
Total Notes issued		3337,60,02,000	(b) Held outside India		
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		72,83 16,000
			Government of India Rupee Securities		2982,45,61,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		3337,60,02,000	TOTAL ASSETS		3337,60,02,000

Dated the 8th day of May, 1968.

B. N. ADARKAR,
Dy. Governor.
[No. F. 3(3)-BC/68.]

New Delhi, the 13th May 1968

S.O. 1698.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Sahukara Bank Ltd., Ludhiana, in respect of the properties held by it at Banga, Jullundur District, Punjab, till the 15th March 1969.

[No. F. 15(16)-BC/68.]

New Delhi, the 14th May 1968

S.O. 1699.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 24 and 25 of the said Act shall not apply to the 'Traders' Bank Ltd., New Delhi till the 30th June 1969, in so far as they relate to the bank's liabilities in the Closed Fund which have since been merged with those in the New Fund.

[No. F. 15(12)-BC/68.]

V. SWAMINATHAN, Under Secy.

(Department of Economic Affairs)**(Office of the Controller of Capital Issues)***New Delhi, the 8th May 1968*

S.O. 1700.—In exercise of the powers conferred by Sub-section (i) of Section 6 of the Capital Issues (Control) Act, 1947 (29 of 1947), the Central Government hereby exempts the Industrial Credit and Investment Corporation of India Ltd., from the provisions of Section 3 and 5 of the said Act, in respect of Promissory Notes of the value not exceeding D.M. 7,500,000 (Seven and half million Deutsche Marks) to be executed and delivered by the said Corporation to Kreditanstalt für Wiederaufbau of the Federal Republic of Germany, in terms of the Loan Agreement, dated the 17th April, 1968, entered into between the said two parties.

[No. R. 143-CCI/68.]

M. K. VENKATACHALAM,

Controller of Capital Issues.

(Department of Revenue and Insurance)*New Delhi, the 4th May 1968*

S.O. 1701.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri G. C. Sen, who is a *Gazetted Officer* of the West Bengal Government to exercise the powers of a Tax Recovery Officer under the said Act in respect of the following areas in the State of West Bengal, namely:—

- (1) The whole of 24-Parganas Civil District excluding such areas as fall within the Calcutta Municipal Limits and
- (2) Calcutta Municipal Ward Nos. 1 to 100.

[No. 33 (F. No. 16/84/68-IT(B).]

New Delhi, the 8th May 1968

S.O. 1702.—In exercise of the powers conferred by sub-clause (ii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of

India, in the Ministry of Finance (Department of Revenue and Insurance) No. 117 (F. No. 16/14/66-ITB) dated the 29th September, 1967, namely:

In the said notification, items (10) (11) and (12) relating to Cuddapah, Anantpur and Kurnool Districts, shall be omitted.

2. The amendment hereby made shall come into force on the 18th day of May, 1968.

[No. 35 F. No. 16/104/68-ITB.]

S.O. 1703.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue and Insurance) No. 118 (F. No. 16/14/66-ITB), dated the 29th September, 1967, namely:

In the said notification, after item (8) and the entry relating thereto, the following shall be added, namely:—

- “(9) Cuddapah.
- (10) Anantpur.
- (11) Kurnool.”

2. The amendment hereby made shall come into force on the 18th day of May, 1968.

[No. 36 (F. No. 16/104/68-ITB.)

WASIQ ALI KHAN, Dy. Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 1st May 1968

S.O. 1704.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act 1961 (43 of 1961), and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment in the schedule appended to its Notification No. 166 (F. No. 50/138/67-ITJ) dated the 30th December, 1967, namely:—

In the said schedule against “Salem Range, Salem” under Column 2, the following shall be substituted, namely:

Salem Range, Salem:

- 1. Salem Circle
- 2. Company Circle, Salem
- 3. Circle I, Salem
- 4. Circle II, Salem
- 5. Vellore Circle
- 6. Ootacamund Circle (all sections).
- 7. Erode Circle (all sections)

2. This notification shall take effect from the 1st May, 1968.

Explanatory Note

The amendment has become necessary on account of formation of a new circle known as company Circle at Salem.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 32(F.No.50/2/68-ITJ.)

P. G. GANDHI, Under Secy.

COLLECTORATE OF CUSTOMS & CENTRAL EXCISE, COCHIN-3.

CENTRAL EXCISE

Cochin, the 16th April 1968

S.O. 1705.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, I hereby empower the Central Excise Officers specified in Column 3 of the Table, hereto annexed to exercise within their respective jurisdiction the power of a Collector under the provisions of the said Rule shown against each officer in column 2 of the Table, subject to the restrictions and limitations set out in column 4 thereof.

TABLE

Sl. No.	Central Rule	Excise No.	Collector's powers delegated to Officers not below rank of	Restrictions and limitations, if any	Remarks
1	2	3	4	5	
1	191-B(5)			<i>Where the duty involved in each case does not exceed.</i>	
		1. Deputy Collector	Rs. 10,000/-		
		2. Assistant Collector	Rs. 1,000/-		
		3. Superintendent	Rs. 250/-		

(C. No. IV/16/110/66 CX.I).

[No. 1/68]

D. N. KOHLI, Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE

CENTRAL EXCISE

Bangalore, the 20th April 1968

S.O. 1706.—In exercise of the powers vested in me under Rule 5 of the Central Excise Rules, 1944 I hereby empower the Central Excise Officers of the Mysore Central Excise Collectorate specified in Col. 1 of the Table below, to exercise within their respective jurisdiction, the powers of Collector under the rule enumerated in Col. 2 and subject to the limitation set out in Col. 3 of the said table.

Rank of Officer	Central Excise Rule	Extent of limitations
1	2	3
		<i>Where the duty involved in each case does not exceed.</i>
1. Assistant Collectors	191-B(5)	Rs. 1,000/-
2. Superintendents	Do.	Rs. 250/-

(Issued from File C. No. IV/8/1/68.B.2).

[No. 2/68]

M. C. DAS, Collector.

MINISTRY OF HEALTH, FAMILY PLANNING AND URBAN DEVELOPMENT

(Department of Health & Urban Development)

New Delhi, the 6th May 1968

S.O. 1707.—The following draft of rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 25th August, 1968.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government:—

DRAFT RULES

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1968.

2. In rule 71 of the Drugs and Cosmetics Rules, 1945, in Condition 1, after the proviso, the following further proviso shall be added, namely:—

“Provided further that any person, who has, immediately before the date of notification specifying a substance to be a drug under sub-clause (ii) of clause (b) of section 3 of the Act, been actively directing and personally supervising the manufacture of such substance, and whose general training, knowledge of Chemistry or other sciences and practical experience in the manufacture of such substance are in the opinion of the licensing authority adequate, shall also be deemed to be qualified in respect of that substance for the purposes of this rule.”

[No. F.1-11/66-D.]

New Delhi, the 8th May 1968

S.O. 1708.—In exercise of the powers conferred by Section 21 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government hereby appoints Shri A. K. Ogale, Drugs Inspector, Central Drugs Standard Control Organisation, Ghaziabad, as Inspector for the purpose of the said Act for the whole of India.

[No. F. 2-4/66-D.]

AMAR NATH VARMA, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 4th May 1968

S.O. 1709.—In pursuance of para (a) of Section III of Rule 434 of India Telegraph Rules, 1961, as introduced by S.O. No. 627, dated 8th March, 1960, the Director-General, Posts and Telegraphs hereby specifies the 1st June 1968, as the date on which the Measured Rate System will be introduced in Dhoraji Telephone Exchange.

[No. 5-61/68-PHB(2).]

D. R. BAHL,
Asstt. Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 4 मई 1968

एस० नो० 1710.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार

डाक-तार महानिदेशक न धोराजी टेलीफोन केन्द्र में 1-6-68 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-61/68-पी०एच०बी०(2).]

डी० आर० बहल,

सहायक महानिदेशक (पी०एच०बी०) -

MINISTRY OF INFORMATION AND BROADCASTING

ORDERS

New Delhi, the 17th April, 1968

S.O. 1711.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or documentary film.
1	2	3	4	5	6
1	Sahakari Kukkut Vikas, (Marathi)	297·18M	Director of Publicity Government of Maharashtra, Film Centre, 68-Tardeo Road, Bombay-34.		Documentary film. (For release in Maharashtra circuit only).

[No. F. 24/1/68-FP App. 1249]

New Delhi, the 6th May 1968

S.O. 1712.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereto approves the films specified in column 2 of the Second Schedule annexed hereto in all their language versions to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or documentary film.
1	2	3	4	5	6
1	Salbhar Harabhara (Hindi) Salbhar Hirvegir (Marathi)	297.00M	Director of Publicity, Government of Maharashtra, Bombay-34.		Films intended for Educational purposes. (For release in Maharashtra circuit only).
2	Maharashtra No. 191		Director of Publicity, Government of Maharashtra, Film Centre, 63-Tardeo Road, Bombay-34.		Film dealing with news and current events (for release in Maharashtra Circuit only).

[No. F. 24/1/68-FP App. 1253]

S.O. 1713.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

(1) Sub-Section (3) of Section 5 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or documentary film
1	2	3	4	5	6
	Hundred Years of Service	609.60M	Amrita Bazar Patrika Pvt. Ltd., 14 Ananda Chatterjee Lane, Calcutta 3.		Documentary film. (For release in West Bengal circuit).

[No. F. 24/1/68-FP App. 1254]

BANU RAM AGGARWAL,
Under Secy.

MINISTRY OF RAILWAYS**(Railway Board)***New Delhi, the 3rd May 1968*

S.O. 1714.—In exercise of the power conferred by Sub-section (i) of Section 4 of the Indian Railways Act, 1890 (Act IX of 1890), the Central Government hereby appoints the Deputy Commissioner of Railway Safety also by virtue of his office, as Inspector of Railways for the said Act, with effect from 1st May, 1968.

[No. 61/WI/INR/1.]

C. S. PARAMESWARAN,

Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS**(Department of Industrial Development)****ORDER***New Delhi, the 3rd May 1968*

S.O. 1715/15/IDRA/68.—Whereas the Central Government is of the opinion that there has been, or is likely to be, a substantial fall in the volume of production in respect of cotton textiles manufactured in the industrial undertaking known as the Petlad Bulakhidas Mills Co., Ltd., Petlad, Gujarat State, for which, having agreed to the economic conditions prevailing there is no justification;

Now, therefore, in exercise of the powers conferred by Section 15 of the Industries (Development and Regulation) Act, 1951 (85 of 1951), the Central Government hereby appoints for the purpose of making a full and complete investigation into the circumstances of the case, a body of persons consisting of:

Shri S. K. Agarwal Superintendent, New Swadeshi Mills Naroda Road,
Ahmedabad. , *Chairman.*

Shri R. N. Bansal, Company Law Board, Deptt., of Company Affairs, Ministry
of Industrial Development and Company Affairs, New Delhi, *Member.*

Shri R. Seshadri Inspecting Officer, Office of the Textile Commissioner, P.B.
No. 10004, Bombay-1. *Member-Secretary.*

[No. F. 9(5)Lic.Pol./68.]

R. C. SETHI, Under Secy.

(Department of Industrial Development)**(Indian Standards Institution)***New Delhi, the 1st May 1968*

S.O. 1716.—In licence No. CM/L-1173, dated 7 December 1965, held by the Phara Carbon & Ribbon Mfg. Co. Ltd., 543, Basantlal Saha Road, P.O. New Alipore, Calcutta-53 having their Office at N-75, Bombay Life Building, Connaught Circus, New Delhi-1, the details,

of which were published under S.O. 410 in the Gazette of India, Part II, Sub-section 3(ii) dated February 1955, the following new types/articles have been added with effect from 16 Feb. 1968 :

5


Article/Process	Indian Standard
(a) Carbon Paper for Typewriters, Type I (Brands:BCR 400 and BCR 6310) Type III (Brands:BCR 101 and BCR 7312)	(a) IS:1551-1959 Specification for Carbon Paper for Typewriters.
(b) Carbon Paper, Hand-Writing, Type C (Brand:BCR 8612)	(b) IS:3450-1966 Specification for Carbon Papers, Handwriting.

[No. CMD/55:1173]

S.O. 1717.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 16 April 1968 :

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1	IS:3899 	Zinc water dispersible powder	IS:3899-1966 Specification for zinc water dispersible Powder	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being super-scribed on the top side of the monogram as indicated in the design.

[No. MD/17:2]

S.O. 1718.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for Zinc water dispersible powder, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 16 April 1968 :

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1)	(2)	(3)	(4)	(5)
1	Zinc water dispersible powder.	IS:3899-1966 Specification for zinc water dispersible powder.	One tonne.	Rs. 5.00

[No. MD/18:2.]

S.O. 1719.— In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief Particulars of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS: 289-1953 Specification for aluminium paste for paints (<i>revised</i>)	S.O. 2370 dated 24 August 1963	No. 1 March 1968	The requirements and test procedure for the finish of aluminium paint have been dropped as these are already provided in IS: 2339-1963	31 March 1968
2	IS: 370-1954 Specification for reversible type two-pin plugs and socket-outlets without earthing connections (<i>tentative</i>)	S.R.O. 658 dated 26 March 1955	No. 2 April 1968	This amendment aims at aligning the standard with other Indian Standards on wiring accessories. Additional tests for certain important requirements, such as mechanical strength, cord grip and withdrawal pull have also been included	1 April 1968
3	IS: 384-1954 Specification for brushes, paints and varnishes, flat (<i>second revision</i>)	S.O. 2673 dated 28 August 1955	No. 1 April 1968	(i) Appendix A, clauses 3.1, 4.1, 3.15, 4.1.5.1, 4.1.5.2, A-1 and Table I have been amended (ii) Clause 0.7 has been deleted and clause 0.8 renumbered as 0.7 (iii) Clauses 4.2.1 and 4.2.2.1 have been substituted by new ones	15 April 1968
4	IS: 432 (Part I)-1966 Specification for mild steel and medium tensile steel bars and hard-drawn steel wire for concrete reinforcement Part I mild steel and medium tensile steel bars (<i>second revision</i>)	This Standard was previously gazetted as IS: 432-1960 under S. O. 2818 dated 26 Nov. 1960. The revised Standard is being gazetted during the current month.	No. 1 August 1967	(i) Page 8, Table 1, col. 6, against Sl. No. (i)—Substitute '55' for '58' (ii) Page 3, clause 0.1, line 4—Add 'and the Structural and Metals Division Council' after Civil Engineering Division Council	30 April 1968

(1)	(2)	(3)	(4)	(5)	(6)
5	IS: 486-1963 Specification for brushes, sash tool, for paints and varnishes (<i>revised</i>)	S.O. 2595 dated 1 August 1964	No. 2 March 1968	(i) Table 1, clauses 9·2, 4·1·3·1, 4·1·5 and Appendix A have been amended (ii) Clause 0·5 has been deleted and subsequent ones re-numbered accordingly (iii) Clauses 4·1·3·2, 4·2·1 and 8·2 have been substituted by new ones (iv) A new clause 4·2·2 has been added after 4·2·1 (v) Clauses 4·1, 9·1 and Fig. 3 have been substituted by new ones (vi) Clauses 4·1·1 and 8·1 have been amended (vii) A new clause 6·2(d) has been added after 6·2(c)	31 March 1968
6	IS: 726-1964 Specification for galvanized steel buckets for general use (<i>revised</i>)	S.O. 2042 dated 26 June 1965	No. 1 March 1968	(i) Appendix A and clause 4·1·4 have been amended (ii) Clause 0·3 has been deleted and subsequent ones re-numbered accordingly (iii) Clauses 3·1, 4·1·3, 4·2·2, 8·2 and Table 1 have been substituted by new ones	1 April 1968
7	IS: 1103-1963 Specification for rushes, artists'	S.O. 1840 dated 30 May 1964	No. 1 April 1968	(i) Table 1, clauses 9·2, 4·1·3·1, 4·1·5 and Appendix A have been amended (ii) Clause 0·5 has been deleted and subsequent ones re-numbered accordingly (iii) Clauses 4·1·3·2, 4·2·1 and 8·2 have been substituted by new ones (iv) A new clause 4·2·2 has been added after 4·2·1 (v) Clauses 4·1, 9·1 and Fig. 3 have been substituted by new ones (vi) Clauses 4·1·1 and 8·1 have been amended (vii) A new clause 6·2(d) has been added after 6·2(c)	1 April 1968
8	IS: 1569-1963 Specification for capacitors for electric discharge lamps (fluorescent and mercury vapour)	S.O. 1421 dated 25 May 1963	No. 1 April 1968	The requirements with regard to the test temperature for endurance test and high voltage test have been relaxed	1 April 1968
9	IS: 1651-1960 Specification for stationary cells and batteries, lead-acid type (with tubular positive plates)	S.O. 1633 dated 15 July 1961	No. 4 May 1968	(i) Clauses 0·8 and 0·9 have been deleted and subsequent ones re-numbered accordingly (ii) Table 1 has been substituted by a new one	1 May 1968
10	IS: 1818-1961 Specification for air-break isolators and earthing switches for voltages up to 220 KV	S.O. 2706 dated 18 Nov. 1961	No. 3 April 1968	(i) Clauses 6·2·1·2 and 6·3·1(d) have been amended (ii) Fig. 3 has been substituted by a new one	1 April 1968
11	IS: 2122-1962 Code of practice for installation and maintenance of belt drives for power transmission	S.O. 3881 dated 29 Dec. 1962	No. 1 March 1968	Fig. 1 has been substituted by a new one	31 March 1968
12	IS: 2206 (Part I)-1962 Specification for flame proof electric lighting fittings Part I well-glass and bulk-head type.	S.O. 2370 dated 24 August 1963	No. 3 April 1968	(i) Clauses 0·7, 6·1·1 and informal table under clause 6·1 have been substituted by new ones (ii) Clause C-1·6 has been amended	1 April 1968

13	IS: 2265-1963 Specification for galvanized steel wire strand for signalling purposes	S.O. 1147 dated 20 April 1963	No. 2 April 1968	Clause 4.4 and table 1 have been amended	1 April 1968
14	IS: 2418-1964 Specification for tubular fluorescent lamps for general lighting service	S.O. 1152 dated 10 April 1965	No. 1 March 1958	This amendment deletes the colour designation and includes a recommended method for measurement of colour	31 March 1968
15	IS: 2454-1963 Specification for built-up mica for electrical purposes	S.O. 3025 dated 26 Oct. 1963	No. 1 March 1968	(i) Heading of col. 8 in Table 1, clause B-1.1 and title of Appendix C have been amended (ii) Clause 5.5 has been substituted by a new one	
16	IS: 2693-1964 Specification for cast iron flexible couplings	S.O. 735 dated 6 March 1965	No. 1 March 1968	(i) Fig. 2 has been substituted by a new one	
17	IS: 2701-1964 Specification for brush, carriage washing (without handle)	S.O. 3329 dated 19 September 1964	No. 2 March 1968	(ii) Table 1 has been amended (i) Appendix A, clauses 3.1.5 and 3.1.6 have been amended (ii) Clauses 3.2.2, 3.5.2.1 and 7.2 have been substituted by new ones	1 April 1968
18	IS: 2910-1964 Specification for shuttles for jute broad looms	S.O. 895 dated 20 March 1965	No. 1 March 1968	The existing note under clause 7.1 has been substituted by a new one	
19	IS: 2974 (Part II)-1956 Code of practice for design and construction of machine foundations Part II foundations for impact type machines (drop and forge hammer foundations)	S.O. 4023 dated 31 December 1956	No. 1 April 1968	Clauses 5.4.2, 6.2.4, 6.3.4, 6.4.2(b) and Appendix A have been amended	
20	IS: 3009-1964 Specification for brushes, shoe polishing]	S.O. 2042 dated 26 June 1965	No. 1 April 1968	(i) Clause 0.6 has been deleted and clause 0.7 re-numbered as 0.6 (ii) Clause 4.1.3 and 4.3.1 have been substituted by new ones (iii) Clauses 4.1.4, 4.1.5 and Appendix A have been amended	1 April 1968
21	IS: 305-1965 ^o Specification for clinical ther-mometers.	S.O. 1594 dated 22 May 1965	No. 1 April 1968	(i) Page 8, Table 1, footnote with an asterisk(*) mark—Substitute the following for the existing matter : (*) If required by the purchaser, thermometer may also be made to a range of 35.0° to 42.0° A new clause 7.1.2.1 has been added	
22	IS: 3497-1966 Specification for metal wardrobes (adjustable type)	S.O. 2419 dated 13 August 1966	No. 1 April 1968		

(1)	(2)	(3)	(4)	(5)	(6)
23	IS: 3498-1966 Specification for metal tables (office type).	S.O. 2419 dated 13 August 1966	No. 1 May 1968	(i) Clause 2.3 has been substituted by a new one. (ii) Clause 3.11 has been amended. (iii) New clauses 4.1.1, 5.1.1 and 5.2.1 have been added.	1 May 1968
24	IS: 3499-1966 Specification for metal chairs (office type).	S.O. 2602 dated August 1966	27 No. 1 April 1968	(i) A new clause 2.6 has been added after 2.5 and clauses 2.6 and 2.7 re-numbered as 2.7 and 2.8 respectively. (ii) New clauses 5.1.1, 6.1.1.1 and 6.1.2.1 have been added.	1 April 1968
25	IS: 3538E-1966 Specification for ready mixed paint, red oxide-barium chromate/barium potassium chromate primer.	S.O. 2602 dated August 1966	27 No. 1 March 1968	This amendment aims at dropping the <i>Emergency</i> character of the Standard.	31 March 1968
26	IS: 3539E-1966 Specification for ready mixed paint, undercoating, for use under oil finishes, to Indian Standard colours, as required.	S.O. 2687 dated 10 September 1966	No. 1 March 1968	This amendment aims at dropping the <i>Emergency</i> character of the Standard.	31 March 1968
27	IS: 3699 (Part I)-1966 Code for transport of monkeys by land Part I transport from trapping area to the nearest rail-head.	S.O. 241 dated 21 January 1967	No. 1 March 1968	Page 6, clause 3.2.1, line 2— <i>Substitute</i> '20 and 30 mm' for '35 and 50 mm'.	31 March 1968
28	IS: 3768-1966 Specification for PVC-ventilation tubing (flexible ducting).	S.O. 913 dated 18 March 1967	No. 1 April 1968	(i) Page 3, clause 0.3, line 2— <i>Delete</i> 'and' between 'ventilation' and 'tubing'. (ii) Page 7, clause B-1.1, line 2— <i>Substitute</i> '0.8 mm' for '0.78 mm'. (iii) Page 8, clause B-1.2.2, last line— <i>Substitute</i> 'well' for 'wall'.	1 April 1968
29	IS: 3869 (Part II)-1966 shortwall coal cutting machines Part II recommendations on selection of the basic parameters of the cutting system and the calculation of power consumption.	S.O. 2417 dated 22 July 1967	No. 1 April 1968	(i) Page 9, Note 1, last line— <i>Substitute</i> 'm' for 'mm'. (ii) Equations 7, 20 and 25 and the last line at page 14 have been substituted by new ones.	1 April 1968

30	IS: 3885 (Part I)-1966 Specification for steel for the manufacture of laminated springs (railway rolling stock) Part I flat sections.	S.O. 1533 dated 29 April 1967	No. 1 April 1968
31	IS: 4060-1967 Specification for flashers for direction indicators for automobiles.	S.O. 2654 dated 5 August 1967	No. 1 April 1968
32	IS: 4170-1967 Specification for brass rods for general engineering purposes.	S.O. 4633 dated 30 December 1967	No. 1 April 1968
33	IS: 4216-1967 Specification for needle cages.	S.O. 3673 dated 14 October 1967	No. 1 March 1968

- (i) Page 9, Fig. 1—*Delete* the two dotted semicircles in the middle of the figure.
(ii) The table under Fig. 1 has been substituted by a new one.
(i) Clauses 5·1·2·0 and 5·1·2·4 have been amended.
(ii) Clause 5·1·2·5 has been substituted by a new one.
(i) Clause 4·1 has been amended.
(ii) Clause B-1·2 has been deleted and subsequent clauses re-numbered accordingly wherever they appear.
- Table 1 has been substituted by a new one.

1 April 1968

31 March 1968

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9, Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthy Bhavan, 54 General Patters Road, Madras, and (iv) 117/418-B Sarvodaya Nagar, Kanpur.

[No. MD/13:5]

S.O.1720.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established during the period 1 to 30 April 1968 :

THE SCHEDULE

Serial No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any superseded by the new Indian Standard	Brief Particulars
1	2	3	4
1	IS : 7-1967 Specification for moderate heat duty fireclay refractories, group B (<i>third revision</i>)	IS : 7-1958 Specification for moderate heat duty fireclay refractories group 'B' (<i>revised</i>)	This standard covers the requirements for moderate heat duty burnt fireclay refractories, group B for general purposes (Price Rs. 2.00)
2	IS : 232-1967 Glossary of textile terms—natural fibres (<i>first revision</i>)	IS : 232-1958 Glossary of textile terms.	This standard prescribes definitions of terms commonly used in the textile industry and trade relating to natural fibres such as coir, cotton, jute, silk and wool (Price Rs. 12.00).
3	IS : 255-1967 Specification for sodium sulphate anhydrous (<i>first revision</i>)	IS : 255-1950 Specification for sodium sulphate anhydrous technical.	This standard prescribes the requirements and the methods of sampling and test for sodium sulphate anhydrous (Price Rs. 5.50).
4	IS : 302-1967 General and safety requirements for light electrical appliances (<i>third revision</i>)	IS : 302-1963 General and safety requirements for light electrical appliances (<i>revised</i>)	This standard applies to all light electrical appliances, such as electric heating and cooking appliances, motor-operated appliances, portable lamp stands and brackets etc. and the associated accessories and fittings designed for connection to supplies at voltages not exceeding 250 volts, ac single phase 50 c/s or dc and operating at ambient temperature between 0°C and 50° C (Price Rs. 14.00).
5	IS : 432 (Part 1) 1966 Specification for mild steel and medium tensile steel bars and hard-drawn steel wire for concrete reinforcement Part I mild steel and medium tensile steel bars (<i>second revision</i>)	IS : 432-1960 Specification for mild steel and medium tensile steel bars and hard-drawn steel wire for concrete reinforcement (<i>revised</i>)	This standard covers the requirements and the methods of test for rolled mild steel and medium tensile steel plain bars in round and square sections, used as reinforcement in concrete (Price Rs. 2.50).

1	2	3	4
6 IS : 422 (Part II)—1966 Specification for mild steel and medium tensile steel bars and hard-drawn steel wire for concrete reinforcement Part II hard-drawn steel wire (second revision).	IS : 432-1960 Specification for mild steel and medium tensile steel bars and hard-drawn steel wire for concrete reinforcement (revised).	This standard covers the requirements and the methods of test for hard-drawn steel wire of medium strength used as reinforcement in concrete (Price Rs. 1.50).	
7 IS : 495-1967 Specification for graphite flake for lubricants (first revision).	IS : 495-1954 Specification for graphite, flake for lubricants.	This standard prescribes the requirements and methods of sampling and test for graphite flake, intended chiefly for use in the manufacture of lubricants (Price Rs. 3.50).	
8 IS : 555-1967 Specification for electric table type fans and regulators (second revision).	IS : 555-1960 Specification for electric table type fans and regulators (revised).	This standard specifies the requirements and methods of tests for capacitor type and non-capacitor type ac table type fans as well as dc table type fans, including the associated speed regulators (Price Rs. 7.00).	
9 IS : 847-1968 Specification for smith's fullers (first revision).	IS : 847-1956 Specification for smith's fullers.	This standard covers the requirements for the following types of smith's fullers : (a) Smith's bottom fullers small shank ; (b) Smith's bottom fullers large shank ; (c) Smith's top fullers, handle type ; and (d) Smith's top fullers wire clamp type. (Price Rs. 4.00).	
10 IS : 933-1967 Specification for portable chemical fire extinguisher, foam type (first revision).	IS : 933-1959 Specification for portable chemical fire extinguisher foam type.	This standard lays down requirements regarding material, shape, construction, chemical charge, anti-corrosive treatment and tests of chemical fire extinguisher of foam type having a capacity of 9 litres. (Price Rs. 6.50).	
11 IS : 935-1967 Specification for portable chemical fire extinguisher, carbon tetrachloride type (first revision).	IS : 935-1959 Specification for portable chemical fire extinguisher carbon tetrachloride type.	This standard lays down requirements regarding design and method of operation, material, performance, construction and tests of fire extinguishers, carbon tetrachloride type (Price Rs. 4.00).	

1	2	3	4
12	IS : 1169-1967 Specification for electric pedestal type fans and regulations (first revision)	IS : 1169-1957 Specification for pedestal type electric fans	This standard covers ac and dc capacitor type and non-capacitor type pedestal fans, oscillating or non-oscillating, and their associated regulators intended for use on single-phase ac circuits at voltages not exceeding 250 volts suitable for normal domestic and similar uses (Price Rs. 7.00).
13	IS : 1314-1967 Specification for calcium chloride (first revision)	(i) IS : 1314-1958 Specification for anhydrous calcium chloride technical and (ii) IS : 1334-1958 Specification for calcium chloride, technical.	This standard prescribes the requirements and the methods for sampling and test for calcium chloride, technical and analytical reagent, and anhydrous calcium chloride, technical and analytical reagent (Price Rs. 7.50).
14	IS : 1354-1957 Specification for precision and semi-precision hexagon bolts, screws, nuts and lock nuts (diameter range 6 to 39 mm) (first revision).	IS : 1364-1960 Specification for precision and turned hexagonal bolts (6 to 39 mm) with nuts and black hexagonal screws (6 to 39 mm)	This standard covers the requirements for precision and semi-precision grades of hexagon bolts, screws, nuts and lock nuts in the diameter range 6 to 39 mm with both coarse and fine pitches of screw threads specified in IS : 4218-1967 (Price Rs. 5.50).
15	IS : 1367-1967 Technical supply conditions for threaded fasteners (first revision)	IS : 1367-1961 Technical supply conditions for threaded fasteners	This standard deals with the technical supply conditions for threaded fasteners such as bolts, screws and nuts, and covers general and specific requirements for different grades, mechanical properties, and methods of test for the same. (Price Rs. 12.00).
16	IS : 1453-1957 Specification for kaolin for cosmetic industry. (first revision).	IS : 1453-1959 Specification for kaolin cosmetic industry.	This standard prescribes the requirements and methods of sampling and test for kaolin (China clay) for use in cosmetic industry. (Price Rs. 5.00).
17	IS : 1555-1967 Specification for pitch bound wire reeds for use in cotton looms (first revision).	IS : 1555-1960 Specification for pitch bound wire reeds for use in cotton looms.	This standard prescribes the requirements for pitch bound wire reeds for use in cotton looms. (Price Rs. 2.50).
18	IS : 1727-1967 Methods of test for pozzolanic materials. (first revision).	IS : 1727-1960 Methods of test for pozzolanic materials.	This standard covers the following tests for pozzolanic materials : (a) Chemical analysis (b) Fineness (c) Soundness (d) Setting time (e) Lime reactivity

1	2	3	4
			<p>(f) Compressive strength (g) Transverse strength. (h) Drying shrinkage (j) Permeability (k) Reduction in alkalinity and silica release, and (m) Specific gravity (Price Rs. 12.00).</p>
19	IS : 1885 (Part XXV)—1967 Electrotechnical vocabulary Part XXV radiolotion and radio-navigation.	..	<p>This standard covers defini-tions terms used in the field of radiolocation and radionavigation. (Price Rs. 10.00).</p>
20	IS : 2027-1967 Widths across flats for spanners (first revision)	IS : 2027-1962 Widths across flats for spanners	<p>This standard specifies the dimensions and tolerances for widths across flats for : (a) forged and subse-quently machind span-ners, and (b) spanners other than covered (a). (Price Rs. 2.00).</p>
21	IS : 2117-1967 Guide for manufacture of hand-made common burnt-clay building bricks (first revision)	IS : 2117-1963 Code of practice for manufacture of hand-made common burnt-clay building bricks.	<p>This standard covers the se-lection of raw material, method of moulding and burning of hand-made com-mon burnt-clay building bricks. (Price Rs. 6.00).</p>
22	IS : 2135-1967 Specifica-tion for hollow cement concrete blocks. (first revision)	IS : 2135-1962 Specifica-tion for load bearing hollow concrete blocks.	<p>This standard covers re-quirements for hollow ce-ment concrete blocks, and of density greater than 1600 kg/m³ determined in accordance with Appendix A, for use in the construction of concrete masonry load bearing as well as partition walls (Price Rs. 6.50).</p>
23	IS : 2390-1967 Methods for chemical analysis of foundry nickel.	..	<p>This standard prescribes methods which cover the complete analysis of foundry nickel, the general composition of which is specified in IS : 2391-1963 (Price Rs. 5.00)</p>
24	IS : 2801-1967 Accuracy requirements for bulk meters used in petroleum trade.	..	<p>This standard covers the accuracy requirements for bulk meters used in petroleum trade (Price Rs. 2.50).</p>
25	IS : 3075-1967 Assess-ment of surface roughness	..	<p>This standard relates to : (a) terminology and para-meters to be employed in statements relating to surface roughness, (b) preferred values of surface roughness for grading of surfaces</p>

1	2	3	4
			<p>(c) standard sampling lengths to be used in graphical procedure and instrument construction</p> <p>(d) instruments and methods to be employed in the quantitative assessment of surface roughness, and</p> <p>(e) information to be given in statements relating to surface roughness.</p> <p>(Price Rs. 9.00).</p>
26	IS : 3700 (Part II).—Essential ratings and characteristics of semiconductor devices Part II low power signal diodes	..	<p>This standard covers essential ratings and characteristics and other information to be specified in the case of low power semiconductor signal diodes.</p> <p>(Price Rs. 2.50).</p>
27	IS:3754-1967 Method for calibration of standardized blocks to be used for Rockwell B and C scale hardness testing machines.	..	<p>This standard prescribes method for calibration of standardized blocks to be used for indirect calibration of Rockwell B and C scale hardness testing machines</p> <p>(Price Rs. 2.50).</p>
28	IS : 4076-1967 Specification for hard brass wires for springs and other special purposes.	..	<p>This standard covers the requirements of round brass wires for purposes where hard wire as for springs is required.</p> <p>(Price Rs. 2.50).</p>
29	IS: 4097-1967 Specification for gravel for use as pack in tubewells.	..	<p>This standard lays down the requirements for gravel for use as pack material in tubewells for water supply</p> <p>(Price Rs. 2.00).</p>
30	IS: 4099-1967 Specification for nibs for penholders for general writing purposes.	..	<p>This standard lays down the requirements and the methods of test for nibs used in penholders for general writing purposes (Price Rs. 2.50)</p>
31	IS: 4118-1967 Specification for penholders.	..	<p>This standard lays down the manufacture, workmanship and finish requirements and the methods of test for general type penholders made of wood, used in offices and educational institutions</p> <p>(Price Rs. 2.50).</p>
32	IS: 4137-1967 Code of practice for heavy duty electric overhead travelling cranes including special service machines for use in steel works.	..	<p>This code covers design, manufacture and erection of heavy duty electric overhead travelling cranes for use in steel works. Its provisions where applicable, shall also apply to special service machines (Price Rs. 12.50)</p>

1	2	3	4
33	IS: 4180-1967 Code of practice for corrosion protection of light gauge steel sections used in building	..	The recommendations given in this code apply to light gauge components for general building purposes fabricated from mild steel sheet or strip as specified in IS: 1079-1963 (Price Rs. 5.00)
34	IS: 4183-1967 Specification for metal hand rammers	..	This standard covers the requirements regarding shape, size, materials and testing of metal hand rammers (Price Rs. 2.50)
35	IS: 4191-1967 Specification for leather for volleyball	..	This standard prescribes the requirements, and the methods of sampling and test for chrome tanned and vegetable tanned leather for volleyball (Price Rs. 5.00)
36	IS: 4249-1967 Classification and methods of tests for non-ignitable and self-extinguishing properties of solid electrical insulating materials.	..	This standard covers the classification and methods of test applicable to the non-ignitable and self-extinguishing properties of solid electrical insulating materials (Price Rs. 7.00)
37	IS: 4318-1967 Specification for solid core porcelain insulators for overhead traction lines	..	This standard covers the requirements and methods of tests for solid core porcelain insulators used on single phase overhead electric traction lines having a nominal voltage of 25 kV ac at 50 c/s (Price Rs. 8.00)
38	IS: 4353-1967 Recommendations for submerged arc welding of mild steel and low alloy steels	..	This standard covers recommendations on materials equipment, plate-edged preparation and testing for automatic submerged arc welding of mild and low alloy steels having a tensile strength not exceeding 60 kgf/mm ² (Price Rs. 5.00)
39	IS: 4365-1967 Code of practice for application of bitumen mastic for waterproofing of roofs.	..	This standard lays down the procedure for applying bitumen mastic for waterproofing of roofs and its maintenance (Price Rs. 6.00)
40	IS: 4367-1967 Specification for alloy and tool steel forgings for general industrial use.	..	This standard covers the requirements for alloy and tool steel forgings for general industrial use (Price Rs. 4.00)
41	IS: 4380-1967 Specification for Abney level	..	This standard covers the functional and general requirements of Abney levels. (Price Rs. 2.00).
4	IS: 4387-1967 Specification for asymmetric bars	..	This standard lays down the requirements of asymmetric bars, used in physical culture and national and international gymnastic competitions. (Price Rs. 4.00)

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43	IS: 4392-1967 Specification for hand-made <i>namdhas</i>	..	This standard prescribes the constructional details and other particulars of six grades of hand-made <i>NAM-DHAS</i> (Price Rs. 5.00)												
44	IS: 4393-1967 Basic requirements for an abattoir	..	This standard covers the typical layout plan, hygienic and sanitary requirements, and basic requirements for an abattoir for carrying out slaughter of sheep and goats (CHRISTIAN, <i>HALAL</i> , JEWISH or <i>SHAATAKA</i>), pigs (CHRISTIAN or <i>SHA-TKA</i>) and cattle (CHRISTIAN or <i>HALAL</i>) (Price Rs. 5.00)												
45	IS: 4394-1967 Method for evaluating strength of homogeneous vat dyestuffs	..	This standard prescribes a method for evaluating strengths of the following homogeneous vat dyestuffs represented by single colour index designation: <table> <tr> <th>Colour Index Designation</th><th>Colour Index Number</th></tr> <tr> <td>Vat Green 1</td><td>59 825</td></tr> <tr> <td>Vat Blue 6</td><td>69 825</td></tr> <tr> <td>Vat Blue 17</td><td>..</td></tr> <tr> <td>Vat Blue 20</td><td>59 800</td></tr> <tr> <td>Vat Green 9</td><td>59 850</td></tr> </table> (P. Price Rs. 4.00)	Colour Index Designation	Colour Index Number	Vat Green 1	59 825	Vat Blue 6	69 825	Vat Blue 17	..	Vat Blue 20	59 800	Vat Green 9	59 850
Colour Index Designation	Colour Index Number														
Vat Green 1	59 825														
Vat Blue 6	69 825														
Vat Blue 17	..														
Vat Blue 20	59 800														
Vat Green 9	59 850														
46	IS: 4397-1967 Specification for cold-rolled carbon steel strips for ball and roller bearing cages.	..	This standard covers the requirements for cold-rolled carbon steel strips suitable for the manufacture of cages for ball and roller bearings (Price Rs. 2.50).												
47	IS: 4398-1967 Specification for carbon-chromium steel for the manufacture of balls, rollers and bearing races	..	This standard covers the requirements for three types of high carbon-chromium steel in the form of billets, bars, tubes, rings and wire to be used in the manufacture of ball and roller bearings for general purposes (Price Rs. 4.00).												
48	IS: 4403-1967 Specification for <i>AYOWAN</i>	..	This standard prescribes the requirements of <i>AYOWAN</i> . [<i>Trachyspermum ammi</i> (Linn) Sprague] seeds, whole. (Price Rs. 2.00).												
49	IS: 4406-1967 General requirements for hearing aids	..	This standard covers the general requirements for transistorized body level hearing aids (Price Rs. 3.50).												
50	IS: 4409-1967 Specification for ferronickel.	..	This standard covers requirements for ferronickel (Price Rs. 1.50)												

1	2	3	4
51	IS: 4411-1967 Code for designation of semi-conductor devices.	..	This standard lays down the principles relating to the designation code for Semiconductor devices. (Price Rs. 2.00).
52	IS: 4417-1967 Specification for weft pirns for shuttles for pirn-changing automatic cotton looms	..	This standard prescribes the requirements of weft pirns for use in shuttles for pirn changing automatic cotton loom (Price Rs. 4.00).
53	IS: 4419-1967 Method for determination of dimensional stability of knitted fabrics made of synthetic fibres.	..	This standard prescribes as method for determination of dimensional stability of knitted fabrics made of synthetic fibres and their blends (Price Rs. 2.50).
54	IS: 4420-1967 Methods for determination of conductivity of aqueous and organic extracts of textile materials	..	This standard prescribes method for determination of conductivity of aqueous and organic extracts of textile materials (Price Rs. 2.50).
55	IS: 4422-1967 Specification for willow clefts for cricket bats.	..	This standard lays down the mechanical strength and other physical requirements of willow clefts intended for use in the construction of cricket bats (Price Rs. 2.50).
56	IS: 4423-1967 Guide for hand-sawing of timber	..	This standard covers the different types of saws and their maintenance and general principles of conversion of logs during hand-sawing (Price Rs. 4.00).
57	IS: 4424-1967 Specification for use of timber in coal mines	..	This standard covers the requirement of timber with regard to species, sizes and their treatment when used in coal mines (Price Rs. 4.00).
58	IS: 4428-1967 Grading for mustard seeds for oil milling	..	This standard prescribes the methods of grading and the requirements for mustard seeds for oil milling, along with relevant methods of sampling and test (Price Rs. 2.50).
59	IS: 4429-1967 Grading for sesame seeds for oil milling	..	This standard prescribes the methods of grading and the requirements for sesame seeds for oil milling along with the relevant methods of sampling and test (Price Rs. 2.00).
60	IS: 4433-1967 Method for the determination of the hardgrove grindability index of coal	..	This standard prescribes a method of determining grindability index of all types of Indian coals excepting brown coals and lignites using the Hardgrove machine (Price Rs. 2.50).

1	2	3	4
61	IS: 4435-1967 Specification for wooden ladders and trestles	..	This standard covers the requirements of wooden ladders and trestles of the following types: (a) Single-section ladders (standing ladders and step ladders), (b) Extending ladders (c) Steps (swing back), and (d) Folding trestles (Price Rs. 6.00).
62	IS: 4437-1967 Specification for nylon breaking cords for personnel parachutes	..	This standard prescribes the constructional details and other particulars of four varieties of braided nylon cord, undyed. The cords are generally used for rigging lines or breaking cords for personnel parachutes (Price Rs. 3.50).
63	IS: 4438-1967 Specification for perforated steel strips (fillets) for take-up rollers	..	This standard prescribes requirements of perforated steel strips (fillets) used for Covering take-up rollers of plain looms (Price Rs. 2.00)
64	IS: 4439-1967 Specification for rayon velvet	..	This standard prescribes the constructional details and other particulars of 7 varieties of rayon velvet, dyed (Price Rs. 2.00).
65	IS: 4440-1967 Specification for slip gauge accessories	..	This standard covers the requirements in regard to dimensions, material and accuracy of the following slip gauge accessories: (a) Measuring jaws, (b) Scribing and centre points, and (c) Holders and base (Price Rs. 3.50).
66	IS: 4442-1967 Code of practice for use of sulphur type chemical resistant mortars	..	This standard provides recommendations for the storage, melting method of use and safety precautions to be taken in handling sulphur type chemical resistant mortars (Price Rs. 2.50).
67	IS: 4443-1967 Code of practice for use of resin type chemical resistant mortars	..	This standard provides recommendations for the storage, mixing method of use and safety precautions required in handling resin type chemical resistant mortars (Price Rs. 3.50).
68	IS: 4446-1967 Specification for chlorophyll	..	This standard prescribes the requirements and the methods of test for chlorophyll for use in foods (Price Rs. 4.00)
69	IS: 4447-1967 Specification for sodium benzoate, food grade	..	This standard prescribes the requirements and the methods of sampling and test for sodium benzoate for use as food preservative (Price Rs. 4.00).

1	2	3	4
70	IS: 4448-1967 Specification for benzoic acid, food grade	..	This standard prescribes the requirements and the method of sampling and test for benzoic acid for use as food preservative (Price Rs. 4.00).
71	IS: 4449-1967 Specification for whiskies	..	This standard prescribes the requirements and the methods of test for whiskies (Price Rs. 2.00).
72	IS: 4457-1967 Specification for ceramic unglazed vitreous acid-resistant tiles	..	This standard covers requirements for ceramic unglazed vitreous acid-resistant tiles used in laying of floors and lining of tanks subjected to corrosive conditions (Price Rs. 4.00).
73	IS: 4459-1967 Method for determination of strength of direct dyestuffs by dyeing test.	..	This standard prescribes a method for determination of strength of water-soluble direct dyes by normal dyeing test (Price Rs. 2.50).
74	IS: 4460-1967 Method for rating of machine cut spur and helical gears	..	This standard covers the method of calculating the power rating of machine cut spur and helical gears of basic rack conforming to IS: 2535-1963 (Price Rs. 8.00).
75	IS: 4462-1967 Specification for contact wire healds for jute weaving.	..	This standard prescribes the requirements for contact wire healds used in the weaving of jute fabrics, such as jute carpet backing cloth (Price Rs. 2.50).
76	IS: 4463-1967 Specification for <i>Hooka</i> tobacco, manufactured	..	This standard prescribes the requirements and the methods of test for <i>Hooka</i> tobacco, manufactured (Price Rs. 4.00).
77	IS: 4467-1967 Specification for caramel	..	This standard prescribes the requirements and the methods of sampling and tests for caramel for use in food-stuffs (Price Rs. 2.50).
78	IS: 4469-1967 Code of practice for construction of flue-curing tobacco barns	..	This standard lays down the methods of construction and other related requirements of flue-curing tobacco barns (Price Rs. 4.00).
79	IS: 4471-1967 Methods for determination of strength of naphthol, (azoic coupling components) (gravimetric and volumetric methods)	..	This standard prescribes two methods, namely, gravimetric and volumetric, for determination of strength of naphthols. (Price Rs. 3.50).
80	IS: 4474-1967 Glossary of terms relating to drafting in spinning machinery	..	This standard prescribes definitions of terms relating to drafting in spinning machinery (Price Rs. 6.00)

1	2	3	4
81	IS: 4478-1968 Glossary of terms for ship's derricks	..	This standard deals with no menclature and terminology for ship's derricks (Price Rs. 3.50)
82	IS: 4480-1957 Specification for magnetic tapes for sound recording and reproduction	..	This standard covers the physical, mechanical and electrical performance requirements for non-perforated magnetic tapes used in sound recording and reproduction (Price Rs. 2.50)
83	IS: 4481-1968 Specification for duckbill pliers	..	This standard covers the requirements for duckbill pliers. (Price Rs. 2.00)
84	IS: 4482-1957 Specification for hearing aids	..	This standard covers the general and performance requirements of transistorized body-level hearing aids (Price Rs. 2.00)
85	IS: 4483 (Part I)-1968 Preferred panel cut-out dimensions for electrical relays Part I flush mounting IDMTL relays.	..	This standard lays down the panel cut-out dimensions of flush mounting IDMTL relays (Price Rs. 1.50)
86	IS: 4485-1968 Specification for track spanners for railways	..	This standard specifies the requirements for track spanners used by the railways (Price Rs. 2.50)
87	IS: 4487-1968 Specification for forceps, tonsil artery (Birkett's pattern)	..	This specification covers the requirements for tonsil artery forceps (Birkett's pattern) (Price Rs. 2.50)
88	IS: 4488-1968 Specification for forceps, tonsil holding (Muck's and White's patterns)	..	This standard lays down the requirements for tonsil holding forceps (Muck's and White's patterns) (Price Rs. 2.50)
89	IS: 4489-1958 Specification for forceps, nasal turbinate, Luc's	..	This standard lays down the requirements for Luc's nasal turbinate forceps (Price Rs. 2.00)
90	IS: 4490-1968 Specification for forceps, dilating Troussseau's	..	This standard lays down the requirements for Troussseau's dilating forceps used in ENT work (Price Rs. 2.00)
91	IS: 4493-1968 Specification for nibs for fountain pens	..	This standard covers the requirements and the method of test for nibs for fountain pens (Price Rs. 2.50)

I 2 3 4

92 IS: 4504-1968 Specification
for forceps, peritonissillar

This standard lays down the requirements for peritonissillar forceps with bulbous, regular and trocar points (Price Rs. 2.00)

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7, (ii) Third and Fourth Floors, 5, Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54, General Patter Road, Madras-2 and (iv) 117/418B Sarvodaya Nagar, Kanpur.

[No. MD/13:2]

New Delhi, the 2nd May 1968

S.O. 1721—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that the licence No. CM/L-1489, particulars of which are given below, has been cancelled with effect from 1 May, 1968:

Licence No. & Date	Name and Address of licensee	the Article/Process covered by the licence	Relevant Indian Standard
CM/L-1489, : 14-8-67.	M/s. Krishna Miners and Traders, 12 Industrial Area, Jaipur (West), Rajasthan.	BHC Dusting powders Brand : 'TALC'.	IS : 561-1962.

[No. CMD/55-1489]

S.O. 1722—In Licence No. CM/L-586, dated 26 September 1963 held by M/s. Tar and Bitumen Products Pvt. Ltd. 63/1, Belgachia Road, Calcutta-37 having their Regd. Office at 3-D, Garstin Place, Calcutta-1, the list of articles has been revised as under with effect from 16 April 1968:

Bitumen Felts for Waterproofing and Damp-Proofing Type 3, Grades 1 and 2, Brand: "BITUMOID"

[No. MD/33:16.]

(DR. SADGOPAL,
Deputy Director General.

MINISTRY OF PETROLEUM & CHEMICALS

(Department of Petroleum)

New Delhi the 3rd May 1968

S.O. 1723—Whereas it appears to the Central Government that it is necessary in the public interest that the transport of Petroleum from the drills sites well No. BE to BM & BBE to BN-BO in the Navagam Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of user in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempeeco, 4th floor Sayaji Gunj, Opp., College, Lokmanya Tilak Road Baroda-5 in the Office of the Gujarat Pipelines Project (Oil and Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

(Laying Production Pipeline from D.S.B.L. to linⁿ B.M.)

SCHEDULE

State : Gujarat

Distt. Kaira

Taluka : Matar.

Village	S. No.	Hector	Are.	P ₁ Are.
Kathavada	16	0	5	00
"	17	0	2	00
"	15	0	1	50
"	63	0	7	00
"	65	0	14	00
"	66	0	7	00
"	128	0	13	00
"	126	0	18	00
"	125	0	5	00
"	154/1-P }	0	5	00
"	154/2 }			
"	155	0	4	00
"	156	0	12	00
"	164	0	7	00
"	190/1 }			
"	190/2 }			
"	190/3/1 }	0	5	00
"	190/3/2 }			
"	190/4 }			

(Laying Production pipeline from D.S. B. B. E. to BN-BO)

Navagam	339/1 }	0	02	00
"	339/2 }			
"	340	0	06	00
"	355	0	02	00
"	429/1 }			
"	429/2 }			
"	429/3 }			
"	429/4 }	0	8	00
"	429/5 }			
"	429/6 }			
"	429/7 }			
"	424	0	8	00
"	425	0	6	00
"	426/1 }	0	6	00
"	426/2 }			
"	422	0	2	50
"	443	0	6	00
"	439	0	1	00
"	442	0	9	00
"	485/1 }	0	4	00
"	485/2 }			
"	484	0	4	00
"	477/1 }			
"	477/2 }	0	1	00
"	477/3 }			
"	477/4 }			

Village	Survey No.	Hector	Are.	P. Are.
Navagam	481	0	7	00
"	492	0	0	50
"	493	0	5	00
"	494	0	4	00
"	469/1	0	1	00
"	495/1	0	5	00
"	495/2			
"	467/1-P	0	4	00
"	467/2			

[No. 29(10)/68-IOC.]

New Delhi, the 4th May 1968

S.O. 1724.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2803, dated 7th August 1967 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), read with erratum notification published vide S.O. No. 522, dated 27th January, 1968, the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

State : Gujarat Distt : Mehasana Taluka : Kadi.

Village	S. No.	Hector	Are.	P. Are.
Ambavpura	125	0	11	63

[No. 20(3)/67-Prod/IOC.]

P. P. GUPTA, Under Secy.

New Delhi, the 7th May 1968

S.O. 1725.—Whereas it appears to the Central Government that it is necessary in the public interest that the transport of Petroleum from the drill sites well No. 80, 16, 77 and 91 to G.G.S. II in the Kalol Oil Field, in Gujarat State Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of user in the land described in the schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempeeco, 4th floor, Sayaji Gunj, Opp., College Lokmanya Tilak Road, Baroda-5, in the office of the Gujarat Pipelines Project (Oil & Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

(Laying pipeline from well No. 80 to G.G.S. II)

SCHEDULE

State : Gujarat	Distt: Mehsana	Taluka : Kalol			
Village	S. No.	Hector	Are.	P. Are.	
Saij	798	0	17	87	
"	797/1	0	3	84	
"	797/2	0	3	74	
"	799	0	1	91	
"	801	0	4	08	
"	V.P. Road	0	1	70	
"	797/1	0	3	74	
"	762 & 761	0	26	34	
"	760	0	9	20	
"	759	0	8	53	
"	749	0	7	78	
"	748/2	0	0	56	
"	748/1B	0	7	28	
"	748/1A	0	9	33	
"	742	0	18	43	
"	V.P. Saij Cart-track	0	0	56	
"	732/1	0	1	1	
"	732/2	0	10	72	
"	732/3	0	1	11	
"	733	0	3	84	
"	734/2	0	3	44	
"	734/1	0	1	1	
"	730	0	34	77	
"	712	0	26	40	
(Laying Pipeline from Well No. 16 to G.G.S. II)					
Saij	1217	0	10	92	
"	1219	0	19	32	
"	V.P. Road	0	6	76	
"	1214/1	0	7	28	
"	1213/2	0	3	44	
"	1213/1	0	3	34	
"	1212	0	4	45	
"	1216	0	5	94	
"	V.P. Saij	0	16	49	
"	700/1				
"	700/2				
"	700/3	0	15	18	
(Laying Pipeline from Well No. 77 to G.G.S. II)					
Saij	712	0	15	06	
(Laying Pipeline from D.S.K.—91 to G.G.S. II)					
Dhanaj	V.P. Dhanaj Cart-Track	0	1	31	
"	212	0	5	40	
"	39	0	26	25	
"	224	0	10	65	

S.O. 1726.—Whereas it appears to the Central Government that it is necessary in the public interest that the transport of Petroleum from the drill sites well No. 80 to G.G.S. II in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of user in the land described in the schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempeeco, 4th floor, Sayaji Gunj, Opp., College, Lokmanya Tilak Road, Baroda-5, in the office of the Gujarat Pipelines Project (Oil & Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

[Laying Pipeline from Well. No. 80 to G.G.S. II]

SCHEDULE

State: Gujarat

Distt. Gandhinagar

Tal: Gandhinagar

Village	S. Nos.	Hector	Are.	P. Arc.
Sertha	1217/1	0	6	57
"	1217/2	0	12	94
"	1223	0	1	01
"	1222/2	0	9	51
"	1221	0	2	62
"	1222/2	0	6	16
"	1220	0	2	03

[No. 29(9)/68-IOC(ii).]

R. N. CHOPRA, Under Secy.

UNIVERSITY OF DELHI

New Delhi, the 6th May 1968

S.O. 1727.—Audit Report on the accounts of University of Delhi, Delhi for the year 1966-67:

1. Non-reconciliation of bank balances and cash-book balances:

In paras 107 and 148-C of the Audit Report (CIVIL), 1963 a mention was made of the non-reconciliation of bank balances with cash-book balances resulting in large discrepancies between the two sets of figures. A sum of Rs. 85,548/- being the difference between cash book and bank balances still remained to be reconciled as on 19th March 1968.

2. (i) Irregularities in adjustment of advances:

The advances made to the various Departments of the University for meeting day-to-day expenditure and for cash purchases are being charged in the accounts as normal expenditure, contrary to the normal provisions of rules in this respect. It is not been possible to verify in audit from the records maintained in respect of advances granted prior to 1st April 1966 whether the accounts for the advances have been fully rendered by the various Departments. From 1st April 1966 'Register Advances' is now being maintained centrally but without drawing out a monthly abstract of the outstandings. Out of the advances given upto 31st March 1967 and which were debited to the final head of expenditure, a sum of Rs. 5.53 lakhs as outstanding as on 31st March 1967 for which detailed accounts were still awaited.

Similarly, advances given for organising Summer Institutes, Summer Schools, Seminars, Symposia and Conferences are being charged as final expenditure in the accounts of the University. The amounts for which the accounts have yet to be received could not be ascertained readily from the records of the University. The total payments on this account made during the year 1966-67 alone amounted to Rs. 2.61 lakhs.

2. (ii) *Misappropriation:*

During the period from May, 1966 to January, 1967 a sum of Rs. 15,500 was misappropriated by a member of the staff out of the advances given to a Principal Investigator. The amount has since been recovered except for a sum of Rs. 565.

3. *Arrears in collection of tuition and other fees:*

Tuition and other fees recoverable by the University stood as Rs. 1.32 lakhs at the end of 31st March 1967 as against Rs. 1.03 lakhs as on 31st March 1966. The yearwise break-up of the arrears was not available with the University.

4. *Over-valuation of assets—Chemicals and Apparatus:*

A sum of Rs. 87.12 lakhs has been shown under 'Science Apparatus and Chemicals' on the assets side of the Balance Sheet representing cost of purchase of chemicals and apparatus over several years, without allowing for consumption during that period. No physical verification seems to have been conducted after 1st April 1965 in most of the laboratories. The assets are, therefore, inflated and need to be written down with reference to physical balances for a correct presentation of the Balance Sheet.

5. *Depreciation Reserve Fund:*

This Fund is fed by annual transfer of Rs. 50,000/- from the maintenance grants provided by the University Grants Commission for meeting expenditure on certain types of works. It has, however, been noticed that expenditure on 9 works amounting to a total of Rs. 63,174/- which should have been debited to Depreciation Reserve Fund according to the rules of the Fund was debited to maintenance grant and to this extent there has been excess drawal of maintenance grants from the U.G.C.

6. *Works:*

(i) Completion certificates in respect of 10 works detailed in Annexure which were completed during the period 1958-59 to 1966-67 have not so far been issued.

(ii) A capital expenditure of Rs. 1.89 lakhs on 3 works has been incurred by the University without the prior approval of the U.G.C.

7. *University Press:*

The University Press was purchased from a private party in April, 1961 on payment of compensation of Rs. 1.62 lakhs. Though the compensation amount was inclusive of cost of 53,500 pounds of type material to be transferred to the University, actually only 35,475 pounds type material was transferred. No deduction for short delivery was made from the compensation amount paid to the firm.

The income and expenditure account of the University Press for the year 1966-67 shows excess of expenditure over income to the extent of Rs. 78,202/-. This does not take into account interest on Capital and full depreciation. Against the total expenditure of Rs. 3.99 lakhs, the expenditure on staff accounts for Rs. 2.59 lakhs i.e. 65 per cent.

A physical verification of the stock conducted in December, 1967 revealed shortages of type material weighing 12,830 Kgm. valued at Rs. 80,000/-. This included type material worth Rs. 29,000/- said to have been purchased by the Superintendent of the Press without prior sanction.

Miscellaneous :

8.i. Idle equipment :

The following equipment is lying idle for periods ranging from two to three years :—

Sr. No.	Name of equipment	Cost	Year from which lying idle
1.	Spectro Photometer (Infra Red)	1,04,632	1964
2.	Refrigerated Centrifuge	62,263	1954
3.	Mass Spectrometer	1,33,684	1965

8. ii. A hobby workshop which was set up by the University in 1960 at a total cost of about Rs. 53,000/- to promote extra curricular activities amongst the students was closed in July, 1966 after the University Grants Commission had stopped payment of recurring grants. The building constructed for the workshop was converted into a temporary laboratory for the Chemistry Department at a cost of Rs. 50,000/- without the approval of the U.G.C. who had financed the hobby workshop scheme.

8. iii. The University has not been maintaining any register of permanent and semi-permanent assets acquired out of the grants sanctioned by the U.G.C. even though the Commission has been repeatedly pointed out by Audit in the past.

Sd/- D. D. DHINGRA

Accountant General,
Central Revenues.

Countersigned :

S. RANGANATHAN,

Comptroller & Auditor General of
India, New Delhi.

Dated 1-4-1968.

ANNEXURE

Sr. No.	Name of Building	Year of Completion
1.	New Jubilee Hall Hostel	1958-59
2.	4-B and 12-C type quarters	1963-64
3.	Extension to Physics Block	1963-64
4.	Extension to Chemistry Block	1963-64
5.	Law Faculty	1965-66
6.	Business Management	July, 1966
7.	Women's Centre	1966-67
8.	Day Students Centre	November, 1966
9.	Examination Hall	1966-67
10.	Class IV quarters	January, 1967.

Balance Sheet of the Delhi University as on 31-3-1967

31-3-1966	ASSETS	31-3-1967
1,59,57,271	1. Buildings	1,76,04,613
22,78,364	2. Furniture & Equipment	24,36,709
79,69,631	3. Science Apparatus & Chemicals	87,11,774
41,70,541	4. Books & Periodicals	48,94,920
53,388	5. Sports Material & Trophies	53,388
	6. Accrued Receipts	
1,02,667	i) Fees from Students	1,31,557
22,198	ii) Rents	11,884
2,63,345	(ii) Press Receipts	2,73,318
4,51,368	7. Excess of expenditure over income upto 65/66	
	Add Adjustments	
	Accrued Press Receipts as per I/E a/c. 65/66	1,03,844
	Accrued Other Charges payments as per I/E a/c. 65/66	5,690
	Less : Excess of Income over expenditure for 66/67	3,02,430
		2,58,472

31-3-1966

ASSETS

31-3-1967

SUSPENSE & DEPOSITS:

7,500	1. Professorship Fund Investment Account	7,500
4,96,894	2. Depreciation Reserve Fund Investment Account	5,38,000
61,500	3. Pt. Man Mohan Nath Dar Endowment Fund Account	76,000
20,000	4. V. C.'s Students Fund Investment Account	20,000
1,00,000	5. Reserve Fund Investment Account	1,00,000
4,51,647	6. Special Endowment Fund Investment Account	5,47,991
55,000	7. General Endowment Fund Investment Account	58,300
3,00,000	8. Sir Shankar Lal Instt. of Music	4,90,000
51,799	9. Maulana Azad Investment Account	32,619
4,75,000	10. Sir Sri Ram Chair in Physics	4,75,000
6,55,200	11. Sir Shankar Lal Chair in Economics	6,55,200
56,61,267	12. (a) Provident Fund Investment Account	70,99,467
6,14,637	(b) Accrued Interest (C.P. Fund)	3,65,357
20,000	13. Gokal Chand Scholarship Investment Account	20,000
10,465	14. Contractor's Security Investment Account	10,465

ADVANCES

2,975	1. Permanent Advances	3,450
1,53,180	2. Other Advances	1,56,103
12,48,502	3. Cash at Bank	8,76,020
4,16,54,339	TOTAL	4,59,08,107

Certified that the grants have been utilised for and on the purpose for which they were sanctioned and paid.

Balance Sheet of the Delhi University as on 31-3-967

31-3-1966

LIABILITIES

31-3-1967

2,69,04,968	1. Account of Govt. Grant for Capital Expenditure	2,90,88,644
33,64,121	2. Account of other Grants utilised for Capital Expenditure	41,59,256

SUSPENSE & DEPOSITS :

26,298	1. Professorship Fund	27,144
6,30,672	2. Depreciation Reserve Fund	7,07,857
1,91,247	3. (a) Deposit Account of Students Caution Money for Science, Library & Contractor's Security	2,31,591
	(b) Loans	50,000
76,709	4. Pt. Man Mohan Nath Dar End. Fund Account	1,00,600
34,879	5. V.C.'s Students Fund Account	36,513
1,07,410	6. Reserve Fund Account	1,13,688
5,06,038	7. Special Endowment Fund Account	6,25,184
5,95,536	8. Deposit Account of Research Schemes	5,78,243
10,355	9. Publication Fund Account	28,601
393	10. Foreign Examination Fund Account	409
60,166	11. General Endowment Fund Account	92,991
37,577	12. Deposit Account of Prizes & Endowments	37,577
8,89,655	13. Deposit Account of Scholarships	9,38,560
42,701	14. Deposit Account of Grants for construction of constituent Colleges	42,701
5,07,941	15. (a) Sir Shankar Lal Instt. of Music	—
—	16. Sir Shankar Lal Instt. of Music (Proforma Account)	6,65,838
51,799	17. Maulana Azad Fund Account	32,619
(—) 2,06,063	18. Other Deposit Accounts	(—) 2,34,246
66,69,226	19. (a) Provident Fund Account	74,43,513
	(b) Interest Account (C.P.F.)	1,36,854

31-3-1966	LIABILITIES	31-3-1967
382	20. Fraternity & Loan Scholarship Account	382
5,26,335	21. Sir Sri Ram Chair in Physics	5,30,703
6,83,622	22. Sir Shankar Lal Chair in Economics	6,76,795
20,303	23. Gokal Chand Scholarship Fund Account	20,315
	24. Suspense Account	
(—) 2,29,107	(i) Specific Purpose	(—) 2,33,551
	(ii) Miscellaneous	
	25. Accrued Payments :	
1,51,176	(i) Other Charges	9,326
4,16,54,339	TOTAL	4,59,08,107

Certified that the grants have been utilised for and on the purpose for which they were sanctioned and paid.

I have examined the foregoing accounts and the Balance Sheet of the University of Delhi, Delhi and obtained all the information and explanations that I have required and subject to the observations in the Audit Report appended, I certify, as a result of my audit, that in my opinion these accounts and the Balance Sheet are properly drawn up so as to exhibit a true and fair view of the state of affairs of the University of Delhi according to the best of my information and explanation given to me and as shown by the books of the University of Delhi, Delhi.

New Delhi,

Dated

Sd/-

D. D. DHINGRA,
Accountant General,
Central Revenues.

Countersigned:

Sd/-

S. RANGANATHAN,
Comptroller & Auditor General
of India, New Delhi.

New Delhi,

Dated

Income				Expenditure			
I. Maintenance Account				I. Maintenance Account			
(a) Actual Receipts				(a) Actual Payments			
1. Grants	.	.	63,53,359.24	1. Pay & Allowances	.	.	54,26,415.10
2. Fees from Students	.	.		2. Examinations	.	.	9,76,836.08
3. Rents	.	.	1,63,299.68	3. Scholarships	.	.	1,49,249.31
Less accrued of last year	.	.	22,198.01	4. C.P. F. Contribution	.	.	2,36,895.64
4. Library Receipts	.	.		5. Grants :			
5. Miscellaneous Receipts	.	.		(i) University Purposes	.	.	42,910.91
6. Press Receipts	.	.		(ii) Academic Purposes	.	.	57,049.63
				6. Miscellaneous	.	.	1,59,178.13
			87,23,997.68				
(b) Accrued Receipts				(b) Accrued Payments			
1. Fees from Students upto 66/67	.	.	1,31,557.00	7. Other Charges	.	.	16,51,363.99
Less outstanding upto 65/66	.	.	1,02,667.00	Less—accrued of last year	.	.	1,51,176.00
2. Rents upto 66/67	.	.		8. Printing & Binding Charges	.	.	76,873.10
3. Press Receipts for 66-67	.	.					
			28,890.00				
			11,883.69				
			1,13,816.00				
II. Plan Account (Actual Receipts)				II. Plan Account (Actual Payments)			
Grants	.	.	20,46,608.15	Other Charges upto 66/67	.	.	9,325.98
Other Receipts	.	.	1,32,130.34	1. Pay & Allowances	.	.	17,16,802.19
			21,78,738.49	2. Other Charges	.	.	4,03,171.69
				III. Excess of Income over Expenditure			3,02,430.11
			1,10,57,325.86				1,10,57,325.86

Closing Balances of the University of Delhi as on 31st March, 1967

(As per Cash Books)

	Rs.
I. 1. General Fund Account	52,013.78
2. Plan Development Account	4,806.86
3. Capital Account	15,276.17
4. Suspense Account	15,593.00
TOTAL	87,689.81
II. Other Funds	
1. General Endowment Fund Account	34,690.92
2. Depreciation Reserve Fund Account	1,69,857.16
3. Reserve Fund Account	13,687.73
4. Special Endowment Fund Account	77,193.19
5. Science Caution Money	33,758.01
6. Pt. Man Mohan Nath Dar End. Fund	24,600.06
7. V.C.'s Student's Fund	
(i) Savings Bank Account	13,373.88
(ii) Current Account	3,138.93
8. Foreign Examination Fund Account	409.00
9. Professorship Fund Account	19,643.93
10. Publication Fund Account	28,601.33
11. Delhi University Fraternity House and Loan Scholarship Fund Account	381.93
12. Sir Sri Ram Endowment Fund Account	55,702.99
13. Sir Shankar Lal Endowment Fund Account	21,594.91
14. Provident Fund Account	1,15,543.20
15. Dr. Gokal Chand Loan Scholarship Fund	315.12
16. Sir Shankar Lal Instt. of Music Endowment Fund	1,75,837.74
TOTAL II	7,88,330.03
TOTAL I & II	8,76,019.84

[No. Fin. IV/VII/4179.]

Sd/- Illegible, Registrar.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour and Employment)

New Delhi, the 29th April, 1968

S.O. 1728.—Whereas the State Government of West Bengal has, in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri Quader Nowaz, Director, Employees' State Insurance (Medical Benefit) Scheme, Government of West Bengal to be a member of the Medical Benefit Council in place of Dr. H. Chakraborty;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the Notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2899, dated the 27th September, 1966, namely:—

In the said Notification, under the heading "[Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10]", for the entry against item (17), the following entry shall be substituted, namely:—

"Shri Quader Nowaz, Director Employees' State Insurance (Medical Benefit) Scheme, Government of West Bengal, 64, Ganesh Chandra Avenue, Calcutta."

[F. No. 3/20/66-HI.]

New Delhi, the 2nd May 1968

S.O. 1729.—In pursuance of clause (d) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints Shri S. W. Dhabe vice Dr. S. L. Kashikar as a member of the Regional Committee set up for the State of Maharashtra, and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1286 dated the 27th May, 1961, namely:—

In the said notification, in item 8, for the entry 'Dr. S. L. Kashikar, Ganesh Peth, Nagpur', the following entry shall be substituted namely:—

"Shri S. W. Dhabe, Advocate, President Maharashtra Indian National Trade Union Congress, Ayachit Road, Circle No. 9, Itwari, Nagpur-2."

[F. No. 12/2/65-PF.II.]

New Delhi, the 3rd May 1968

S.O. 1730.—Whereas the Central Government was satisfied that

- (1) The Popular Rice and Oil Mills,
- (2) Thallath Rice and Oil Mills,
- (3) K. P. Lonappan and Sons Rice and Oil Mills,
- (4) Pathrose Rice and Oil Mills,
- (5) St. George Oil flour and Rice Mills,

were situated in Irinjalakuda area which was a sparse area, (that is an area whose insurable population was less than 500) in the district of Trichur in the State of Kerala.

And, whereas by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employers' special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the late Ministry of Labour and Employment No. 670, dated the 27th February, 1962.

And, whereas the Central Government is satisfied that the insurable population of the Irinjalakuda area in the district of Trichur in the State of Kerala has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendments in the said notification, namely:—

In Schedule I appended to the said notification in the entries relating to serial No. 5 relating to Trichur, the entry "Irinjalakuda" in column 3 and the entries relating thereto in column 4 shall be omitted.

[F. No. 6(19)/68-HI.]

S.O. 1731.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Thankam Gardens, Post Office Kulasekharam, Kanyakumari District, (Madras State) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of March, 1968.

[F. No. 8(8)/68-PF.II.]

S.O. 1732.—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory mentioned in the Schedule hereto annexed in a sparse area in the State of Madhya Pradesh, hereby exempts it from the payment of

the employer's special contribution leviable under chapter VA of the said Act until the enforcement of the provisions of chapter V of the said Act in that area:

SCHEDULE

Name of District	Name of Area	Name of the Factory
Nimar	Harsud	Shri Durga Industries

[F. No. 6(32)/68-HI.]

S.O. 1733.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Precise Surgical Company, Williams Compound, Marve Road, Malad, Bombay-64 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 30th day of September, 1967.

[F. No. 8/56/68-PF.II.]

S.O. 1734.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Indian Automobiles, Santhe Kattu, Udipi, South Kanara (Mysore State) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of March, 1968.

[F. No. 8/69/68-PF.II.]

S.O. 1735.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Baroda Chemist Private Limited, Behind Raopura Tower, Post No. 153, Baroda have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 to the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall come into force on the 30th day of April, 1968.

[F. No. 8/211/68-PF.II.]

S.O. 1736.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Ruby Laboratories, 10, Rambag Maninagar, Ahmedabad-8, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of March, 1967.

[F. No. 8/82/67-PF.II.]

S.O. 1737.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Micro Industries, Marol Naka, Andheri, Kurla Road, J. B. Nagar, Bombay-59 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st July, 1967.

[F. No. 8/57/68-PF.II.]

New Delhi, the 7th May 1968

S.O. 1738.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Delhi Plaster Industries, P.O. Gurgaon Road, New Delhi have agreed that the provisions of the Employees Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of July, 1967.

[F. No. 8/178/67-PF.II.]

S.O. 1739.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Synthad Chemicals Private Limited, Vallabh Vidyanagar, *via* Anand, District Kaira (Gujarat State) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall come into force on the 30th day of April, 1968.

[F. No. 8/33/68-PF.II.]

New Delhi, the 8th May 1968

S.O. 1740.—In exercise of the powers conferred by section 53F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories specified in column (4) of the Schedule below in spare areas specified in the corresponding entry in column (3) of the said Schedule in the State of Bihar, hereby exempts the said factories from the payment of the employer's Special Contribution leviable under chapter VA of the said Act until the enforcement of the provisions of Chapter V of the said Act in those areas :

SCHEDULE

Sl.No.	Name of District	Name of Area	Name of the Factory
(1)	(2)	(3)	(4)
1	Dhanbad	Gosaidih	M/s. Bihar Begal Minerals, Dhanjhi Hills, Village Gosaidih.
2	Dhanbad	Sariadilla	M/s. Aloke Refractories (P) Ltd., P.B. 39.
3	Dhanbad	Baliapur	(i) M/s. Narain Das & Co., Baliapur, Sindri Institute. (ii) Sri Ganesh Stone Industries, Baliapur, Amlapara.

1	2	3	4
4	Hazaribagh	Dugda	M/s. Dugda Coal Washery, P. O. Dugda.
5	Monghyr	Begusarai	M/s. Kamala Re-Rolling Mills, Suhridnagar.
6	Monghyr	Bangama	M/s. Narbhe Ram J. Chawda, Bangama, Simultala.
7	Muzaffarpur	Kolhua Paigamberpur.	M/s. T.R. Flour Mills, Kolhua Paigamberpur, Motihari Road.
8	Muzaffarpur	Bhagwanpur,	M/s. Agarwal Industries Corporation, Bhagwanpur, Rewa Road.
9	Singhbhum	Chakulia	M/s. Janta Engineering Foundry.

[F. No. 6(26)/68-HI.]

S.O. 1741.—In pursuance of clause (a) of sub-section (3) of section 17 of the Employee's Provident Funds Act, 1952 (19 of 1952), the Central Government hereby directs that the employers in relation to establishments that have been granted exemption under sub-section (1) of section 17 thereof, shall submit a monthly return to the Regional Provident Fund Commissioner by the twentyfifth of the month following that to which it relates, in the proforma set out in the Schedule annexed to this Notification.

THE SCHEDULE

Monthly return to be made by establishments exempted under section 17(1) of the Employees' Provident Funds Act, 1952 for the month of —

Name of Establishment :

Code No.

Section under which exemption granted : 17(1)(a)/17(1)(b).

1. Subscribers

- (i) No. of subscribers on the last date of the previous month.....
- (ii) No. of subscribers enrolled during the month.....
- (iii) No. of subscribers who have ceased to pay contributions during the month on account of cessation of employment.....
- (iv) No. of subscribers on the last day of the month.....
- (v) Total No. of employees in the establishment on the last date of the month.....

2. Initial accumulations

- (i) Accumulations prior to the commencement of the Act :
 - (a) Total net accumulations prior to the commencement of the Act.....
 - (b) Amount invested out of (a)
 - (c) Balance remaining uninvested as on the date of applicability.....
- (ii) Contributions from the date of the application of the Act to the preceding month.....
 - (a) Employer's contribution.....
 - (b) Employees' contribution.....
 - (c) Total

NOTE.—Item 2 is required to be filled in when the return is made for the first time.

3. Wages and contributions

- (i) Total amount of gross wages liable to provident fund contributions (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon).....
- (ii) Total contributions realised during the month :
 - (a) Employer's.....
 - (b) Employee's.....
 - (c) Total.....
- (iii) Amount of contributions transferred to the board of trustees and the date of transfer.....

4. Other income during the month.

- (i) Interest on investments.....
- (ii) Repayment of loans.....
- (iii) Other income.....
- (iv) Total of (i) (ii) and (iii).....

5. Payments

- (i) Claims.....
- (ii) Loans and advances.....
- (iii) Other payments.....
- (iv) Total of (i), (ii) & (iii).....

6. Amount available for investment.

- (i) Uninvested amount brought forward from preceding month.....
- (ii) Amount specified against item 3(ii)(c).....
- (iii) Amount specified against item 4(iv).....
- Total of (i), (ii) and (iii).....
- (iv) Amount specified against item 5(iv).....
- (v) Net amount available for investment.....
- (vi) Amount invested during the month.....
- (vii) Amount lying uninvested at the end of the month.....

7. Investments during the month.

- (a) In Central Government Securities or in Savings or other Certificates issued by the Central Government.....
- (b) In State Government Securities.....
- Total.....

[NOTE. The aggregate of (a) and (b) should tally with the amount specified against item 6(vi)]

8. Inspection charges

- (i) Past dues, if any.....
- (ii) Due for the month.....
- (iii) Amount paid and the date of payment.....
- (iv) Balance to be paid.....

Date.....

Signature of Employer.

[F. No. 11/5/67-PF-II].

New Delhi, the 10th May 1968

S.O. 1742.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), read with paragraph 27A of the Employees' Provident Funds Scheme 1952, the Central Government hereby exempts from the operation of the said Scheme, the class of employees constituting the management staff of M/s. Imperial Tobacco Company of India Limited, Virginia House, No. 37, Chowringhee, Calcutta-18, (hereinafter referred to as the said establishment), who are entitled to the Company's pensionary benefits, which are not less favourable than the benefits provided under the said Act and the scheme, subject of the following conditions, namely:—

- (1) The employer of the said establishment shall, in respect of the said management staff, maintain such accounts, submit such returns by the 25th of every month, provide such facilities for inspection by the Provident Fund inspectors, as the Central Government may, from time to time, direct.
- (2) The employer of the said establishment shall pay to the Employees' Provident Fund inspection charges at such rates as may be specified by the Central Government from time to time.
- (3) The employer shall invest that portion of the pension contributions, equivalent to the contributions which the employees, who would otherwise be required to become members of the Employees' Provident Fund but for this exemption, will be making to the said Fund, in Central Government securities as defined in sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (2) of section 2 of the Public Debt Act, 1944 (18 of 1944), being securities created and issued by the Central Government.
- (4) The employer shall, in respect of an employee who is otherwise, required to become a member of the Employees' Provident Fund, but for this exemption, and who leaves the service of the Company, and consequently the membership of the Pension Fund, before completing 10 years' membership thereof, transfer within a period of thirty days of the employee's leaving the service of the Company, a sum equivalent to the contributions which would have stood in his credit had he been a member of the Employees' Provident Fund, to the credit of the employee's account in the provident fund of the establishment in which is re-employed, or to his account in the Employees' Provident Fund, as the case may be.

[F. No. 11/11/67-P.F.II.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 4th May 1968

S.O. 1743.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Presiding Officer, Industrial Tribunal, Bangalore, in the matter of applications under section 33A of the said Act, from Shri S. L. Mohamed Shafula and 60 others, represented by Shri S. N. K. Rao, President, Board of Mineral Development Employees' Union, Taranagar, Bellary District, which was received by the Central Government on the 26th April, 1968.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE

Dated 15-4-1968

PRESENT

Sri A. Panchakshariah, B.A., (Hons.), I.L.B., Presiding Officer.

Complaint No.	Complainant's name	Opposite Party
1/67	S.L. Mohamed Shafiulla	The General Manager, Board of Mineral Development, No. 46, Fair Field Road, Bangalore-1.
2/67	N. Jagadeesh Kumar	
3/67	G.N. Raghunath	
4/67	P.K. Mathad	33
5/67	V. Govindappa	33
6/67	M.V. Thangappachar	33
7/67	K.N. Gopinath	33
8/67	K.S. Narasimhamurthy	33
9/67	C. Karisiddappa	33
10/67	Vasa Nayak	33
11/67	Gangiah	33
12/67	Ahmed Pasha	33
13/67	T.P. Ramachandra	33
14/67	B. Krishnappa	33
15/67	C. Subba Rao	33
16/67	B. Haleshappa	33
17/67	C. Puritaswamy	33
18/67	J.V. Chaiapathy	33
19/67	K. Narayana Reddy	33
20/67	T.P. Srinivasa Rao	33
21/67	Sharadamma	33
22/67	L.S. Venkataramiah	33
23/67	H. Gopala	33
24/67	K.G. Balakrishna	33
25/67	S.P. Kannan	33
26/67	D. Ranga Shetty	33
27/67	K. Chandrasekhara Shetty	33
28/67	B. Lingappa	33
29/67	B.S. Manunath	33
30/67	K.N. Srikantiah	33
31/67	P.S. Gad	33
32/67	P.S. Murthy	33
33/67	Doddiah	33
34/67	G.S. Nagabhusan	33
35/67	Kempaiah	33
36/67	H. Ramanna	33
37/67	Bhagyamari	33
38/67	K. Abdul Jabbar	33
39/67	Channappa	33
40/67	K.T. Joseph	33
41/67	R. Sumitra	33
42/67	M. Sarojam Ammal	33
43/67	Suresh Prasad	33
44/67	T.B. Natarajan	33
45/67	A. Gundappa	33
46/67	G. Nateshan	33
47/67	G. Shantamma	33
48/67	K.V. Venkatapurayana	33
49/67	Lakshminarasimha Swamy	33
50/67	D.M. Dharmappa	33
51/67	K.H. Ramiah	33
52/67	Mohammed Khan	33
53/67	R. Krishna Gowda	33
54/67	B.N. Krishna Murthy	33
55/67	H.T. Parameswara	33
56/67	B. Mohan Rao	33
57/67	P.A. Rama Rao	33
58/67	Nara Singh	33
59/77	N. Nagappa	33
60/67	N.S. Bhatta	33
61/67	T.K. Chandrappa	33

APPEARANCES

For the Complainants : Sri S.N.K. Rao, President, Board of Mineral Development Employees' Union, Faranagar, Bellary District.

For the Opp. Party: Sri B.R. Puttananjappa, M.A., LL.B., Secretary, Mysore State Employers' Association, Bangalore.

REFERENCE

Government Order No. 35/16/66 dated 19th June 1967-LRI

AWARD

These complaints 1 to 61 of 1967 are filed by the complainants who are employees of the Board of Mineral Development, No. 46, Fair Field Road, Bangalore-1. They are employees in various capacities and were appointed on the dates noted in their respective complaints. Regarding the Complainants in complaint No. 52 of 1967 and complaint No. 61 of 1967, they were appointed as Managers and the Opposite Party has contended that they are not workmen as defined under Section 2(s) of the Industrial Disputes Act, 1947. These complaints Nos. 1 to 61 of 1967 were filed during the pendency of Reference No. 1 of 1967 (Central) referred by the Ministry of Labour, Employment and Rehabilitation, Department of Labour & Employment, Government of India in their Order No. 35/16-LRI dated 19th June 1967. Reference No. 1 of 1967 (Central) was in respect of justification of termination of the services of Sri A. Rudrappa and Sri S. Krishna Rao who were also employees of the Opposite Party. The Opposite Party is the General Manager, representing the Board of Mineral Development, No. 46, Fair Field Road, Bangalore-1. The two workmen concerned in Reference No. 1 of 1967 (Central) were in the services of the Opposite Party for some years at Haranahalli Manganese Mines, Shimoga. The Opposite Party terminated the services of both these persons by applying Work Service Rule No. 18. These two persons raised an industrial dispute and the matter has been conciliated upon. Ultimately it ended in failure and the Government of India referred this dispute for adjudication by this Tribunal constituting this Tribunal as a Central Industrial Tribunal for adjudicating this dispute. Both the Parties put in their pleadings in Reference No. 1 of 1967 (Central) and after the Issues were framed, the case has been taken up for hearing on merits. However, on 11th October, 1967, both the Parties filed a Memorandum of Settlement and as per the terms of that Settlement, an Award was passed by me on 16th October, 1967.

2. These complaints Nos. 1 to 61 of 1967 were filed during the pendency of this dispute viz. Reference No. 1 of 1967 (Central). Some were filed at the time when the Reference was pending and others were filed after the disposal of the Reference. Complaints Nos. 1 to 3 were filed on 13th September 1967, Complaints Nos. 4 to 28 were filed on 26th September 1967, Complaint Nos. 29 to 46 were filed on 28th September 1967, Complaints Nos. 47 to 49 were filed on 29th September 1967, Complaint Nos. 50 to 52 were filed on 6th October 1967, Complaints Nos. 53 to 60 were filed on 19th October 1967 and Complaint No. 61 of 1967 was filed on 20th December 1967. Objections to these complaints were filed by the Opposite Party on 20th October 1967, 6th November 1967 and 30th January 1968. I may here mention that all these complaints 1 to 61 of 1967 contain identically the same allegations and the objections filed by the Opposite Party are identically the same in all these complaints with the exception of Complaint No. 52 of 1967 and Complaint No. 61 of 1967, wherein an additional ground is taken up by the Opposite Party. The sum and substance of these complaints and the grievances of the complainants are that the Opposite Party has contravened the provisions of Sub-Section 1(a) of Section 33 of the Industrial Disputes Act, 1947. All these complaints have been filed under Section 33(A) of the Industrial Disputes Act, 1947. The contentions in these complaints are that the complainants were appointed on the respective dates as given in their respective complaint-petition. Pursuant to its policy of closing down, the establishment, the Opposite Party issued Memos to the complainants on various dates commencing from 8th August 1967. By these notices, the Opposite Party terminated the services of these complainants under Work Service Rule No. 18 and relieved these complainants on various dates commencing from 6th September 1967. It is contended by the complainants in all these complaint-petitions that the Opposite Party has resorted to unfair Labour Practice in applying the provisions of Work Service Rule No. 18. Further the complainants also contend that they are concerned workmen in Reference No. 1 of 1967 (Central). They have submitted that the termination of their services and the ground of attack of termination of services in Reference No. 1 of 1967 (Central) is the application of Work Service Rule No. 18 by the

Opposite Party in getting rid of the two workers viz. Sri A. Rudrappa and Sri Krishna Rao. Exactly on the same basis, the Opposite Party has terminated the services of these complainants in Complaints Nos. 1 to 61 of 1967. Therefore, the complainants pleaded that they are workmen concerned in Reference No. 1 of 1967 (Central). Several other contentions have also been raised in these complaints by the complainants and the main contention in all these complaints is that the Opposite Party has contravened the provisions of Section 33(1)(a) of the Industrial Disputes Act, 1947 and in as much as the Opposite Party has contravened the provisions of Section 33(1)(a) of the Industrial Disputes Act, 1947, these Complainants pray that the Order of termination be set aside by passing suitable awards in these complaints. This in substance is the contention taken up by the Complainants in all these complaints.

3. To these complaints 1 to 61 of 1967, the Opposite Party has filed a common objection statement. The two objections raised by the Opposite Party to these complaints are (1) the complainant is not a concerned workman in Reference No. 1 of 67 (Central) and (2) the termination under the respective notices of the services of these complainants is not an alternation in the conditions of service so as to attract Section 33 of the Industrial Disputes Act, 1947. On that ground, the Opposite Party has contended that these complaints are not maintainable. As common objections were filed to the complaints Nos. 1 to 61 of 1967 which contained identical grounds of attack, common Issues were framed by me. The 1st Issue is to the effect that whether the complainants in each one of these complaint-petitions is a workman as defined under Section 2(s) of the Industrial Disputes Act, 1947 and Issue No. 2 is to the effect whether the complainants in each one of these complaints is a concerned workman in Reference No. 1 of 1967 (Central). The third Issue is whether the Opposite Party has contravened the provisions of Section 33(1)(a) of the Industrial Disputes Act, 1947. All these complaints were clubbed with the consent of both the Parties and were taken up for hearing at Bhadravathi Camp on 14th March 1968. Mr. B. R. Puttananjappa appeared for the Opposite Party while Mr. S. N. K. Rao, President, Board of Mineral Development Employees' Union, Taranagar, Bellary represented the Complainants in all these complaints. The two Issues viz. Issue No. 2 and 3 were taken up for consideration as both the Parties submitted that these complaints can be disposed of by these two Issues.

4. Mr. B. R. Puttananjappa contended that Reference No. 1 of 1967 (Central) was no doubt concerned with the termination of the services of only two workers viz. Sri A. Rudrappa and Sri S. Krishna Rao and in that dispute these complainants cannot be said to be the concerned workers in any way. He, however, admitted that it is by applying Work Service Rule No. 18 that these two workmen were terminated. If that is the case, it would be difficult to accept the argument of Sri B. R. Puttananjappa in this behalf. The reason is that the ground of attack in these complaints as well as the ground of attack in Reference No. 1 of 1967 (Central) is common. The ground of attack in Reference No. 1 of 1967 was the application of Work Service Rule No. 18 in getting rid of the two concerned workmen viz. Sri A. Rudrappa and Sri S. Krishna Rao. Exactly on the same footing, the complainants in these various complaints have been removed. Therefore, it is clear that it is the application of Rule No. 18 of Work Service Rules that is the target of attack in Reference No. 1 of 1967 (Central) as well as in these complaints. These complainants can, therefore, be said to be concerned workmen in Reference No. 1 of 1967 in as much as they either stand or fall on the ground they have taken in these complaints. If, by applying Work Service Rule No. 18, the Opposite Party had removed or had terminated the services of Sri A. Rudrappa and Sri S. Krishna Rao, certainly there could not have been any grievance for these complainants to complain and they could not be said to be concerned workmen. These complainants have common interest in avoiding work Service Rule No. 18 and preventing the Management from resorting to Work Service Rule No. 18. It can, therefore, easily be said that these complainants in complaint Nos. 1 to 61 are concerned workmen in Reference No. 1 of 1967. The subject matter and the ground of attack of termination of these workmen is the same as in Reference No. 1 of 1967 (Central). It is, therefore, futile to contend that the complainants are not the concerned workmen in Reference No. 1 of 1967. The result of Reference No. 1 of 1967 (Central) if it had been decided on merits, would certainly have had a great bearing on these complaints. Because it ended in a Settlement, it cannot be said that the ground of attack in Reference No. 1 of 1967 (Central) is not available to these workmen in these complaints. Therefore, my finding on Issue No. 2 is that the complainants in each one of these complaints Nos. 1 to 61 is the concerned workman in Reference No. 1 of 1967 (Central).

5. Having disposed of Issue No. 2, I now propose to consider Issue No. 3. Issue No. 3 is as follows:—

“Has the Opposite Party contravened the provisions of Section 33(1)(a) of the Industrial Disputes Act, 1947?”

Before considering the provisions of Section 33(1)(a), I should like to refer to Section 33-A, of the Industrial Disputes Act, 1947, under which these complaints Nos. 1 to 61 have been filed. Section 33-A reads as follows:—

“Where an employer contravenes the provisions of Section 33 during the pendency of proceedings before a Labour Court, Tribunal or National Tribunal, any employee aggrieved by such contravention, may make a complaint in writing in the prescribed manner.”

So the condition precedent to the maintainability of the complaints of this type is that the employer must have contravened the provisions of Section 33. It is important to know the provisions of Section 33. Section 33 reads as follows:—

“During the pendency of a conciliation proceeding before a conciliation officer or a Board or of any proceeding before an arbitrator or a Labour Court or National Tribunal in respect of an industrial dispute, no employer shall:—

(a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding.”

Mr. S. N. K. Rao admitted in his arguments that the termination of the services of these complainants is not for any misconduct connected with the dispute. Therefore, it does not come under Section 33(1)(b) nor it can come under Section 33(2)(b), but it comes under Section 33(1)(a). Therefore, the question for consideration is whether the termination of services of these complainants can be said to have altered the conditions of service of these workmen. In other words, alteration of conditions of service can only be complained of if their services are continued. To put it more clearly, if it is only a case where the relationship of employer and employee subsists, there can be alteration in the condition of service, but when the relationship itself of employer and employee or master and servant comes to an end and when there is no relationship between the employer and the employee, there is no question of alteration of service conditions. A similar matter came up for consideration before the Kerala High Court. The view of the Kerala High Court is as follows:—

“Going by the clear words found in either clause (b) of Sub-section (1) of S. 33 or in Cl. (b) of Sub-Sec. (2) of S. 33 of the Industrial Disputes Act, it is not possible to accept the contention that the discharge simpliciter, though not for any misconduct as required by the said sub-section, will also come either under Cl. (b) of S. 33 (1) or Cl. (b) of S. 33(2) of the Act. Where the Standing Orders of an establishment *inter alia* provided for termination of the services of a workman by paying 14 days' wages or giving 14 days' notice, the termination of services of a workman by paying him more than 14 days' wages or giving him more than 14 days' notice would be referable to such a provision. Such a provision only means that termination cannot be effected without less than 14 days' notice or payment of 14 days' wages. Hence such termination would not be in violation of the provisions of S. 33(2)(a) of the Act. Even otherwise discharge simpliciter whether it is justified or not would not amount to alteration of the conditions of service of the concerned workman within the meaning of S. 33(2)(a) of the Act. The expression 'Conditions of Service' used therein really imply the actual continuance of the relationship of employer and employee. When there is a complete cessation of relationship of employer and employee, there could not be any alteration of the conditions of service of the concerned workmen to their prejudice.”

In this connection I will also rely upon a decision of the Supreme Court in 1959 (1) LLJ 253. The Supreme Court observes that the termination of service brings an end to the relationship of employer and employee and when once it is done, there cannot be any alteration of conditions of service. In other words, Section 33(2)(a) will not come into operation in such cases *vide* 1980 (1) LLJ 244. Therefore, it is clear that termination of services that is complained of by these complainants puts an end to relationship of Master and Servant, Employer and

employee and when the relationship itself comes to an end, there cannot be any change in the conditions of service and Section 33(1)(a) cannot be applied to such cases. It follows that Section 33-A is not applicable because there has been no contravention. Section 33-A can be made use of by the workmen when an employer contravenes the provisions of Section 33 during the pendency of proceeding before the Tribunal etc. In all these complaints the plea is that the services of the concerned workmen were terminated and there has been a change in their service conditions and this has brought about the contravention of Section 33 of the Industrial Disputes Act, 1947, by the Opposite Party. From what I have pointed out above, it is abundantly clear that there is no change in the conditions of service and Section 33(1)(a) does not come into play. The complainants, therefore, failed to prove that by their termination the Opposite Party has effected a change in the service conditions. In other words, the Complainants have failed to prove that the Opposite Party has contravened the provisions of Section 33 of the Industrial Disputes Act. In the result, my finding on Issue No. 3 is that the Opposite Party has not contravened the provisions of Section 33(1)(a) of the Industrial Disputes Act, 1947. For the reasons stated above, I pass an Award dismissing all these complaints Nos. 1 to 61 of 1967. Under the circumstances, there will be no order as to costs.

(Sd.) A. PANCHAKSHARIAH,

Presiding Officer,

Industrial Tribunal, Bangalore.

15-4-1968.

[F. No. 35/16/66-LRI.]

S.O. 1744.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri N. K. Chadha, Arbitrator in the industrial dispute between the management of M/s. Oil and Natural Gas Commission, Eastern Region, Post Office Sibsagar (Assam) and their workmen represented by Oil and Natural Gas Commission Employees Union, Sibsagar which was received by the Central Government on the 25th April, 1968.

BEFORE SRI N. K. CHADHA, ARBITRATOR

Arbitration in Industrial Dispute

BETWEEN

The General Manager, Oil & Natural Gas Commission, Eastern Region, Sibsagar (Assam)

His workmen represented by the Oil & Natural Gas Commission Employees Union, Sibsagar (Assam)

PRESENT:

Sri N. K. Chaddha—Arbitrator

APPEARANCES:

For the Employer—Sri B. N. Lal, Deputy Manager, Oil & Natural Gas Commission, Eastern Region.

For the workmen—Sri B. N. Barpuzari, President, Oil & Natural Gas Commission Employees Union.

AWARD

1. The General Manager, Oil & Natural Gas Commission, Eastern Region, Sibsagar (Assam) and the President, Oil and Natural Gas Commission Employees' Union, Sibsagar (Assam) by a written agreement dated the 4th December, 1968 in pursuance of the provisions of Sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (18 of 1947) agreed to refer the industrial dispute, existing between them over the question of termination of services of eleven workmen and payment of wages in respect of five workmen for the period of unemployment, to me for arbitration. The Central Government/Government of India in Ministry of Labour, Employment and Rehabilitation in pursuance of the provisions of Sub-section (3) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947) published the said arbitration agreement received by them on the 18th December, 1967 by their notification No. 25/19/67-LRI in Part-II Section 3 Sub-section (ii) of the Gazette of India dated 13th January, 1968.

The following specific matter in dispute were referred for my arbitration:—

Specific Matters in Dispute

1. Whether the period between the date of termination and re-employment of the undermentioned workmen is to be treated as Extra-ordinary leave, as already granted or whether full wages are to be paid.

1. Sri Lalit Chandra Saikia—Security Guard.

2. Sri Ramjan Ali—Khalasi.

3. Sri Manik Ali—Khalasi.

4. Sri Janti Ali—Khalasi.

5. Sri Sunti Kalita—Security Guard.

2. Whether the termination of the services of the undermentioned workmen were justified? If not, to what relief are the workmen entitled?

1. Sri Nogen Chandra Bora—Khalasi.

2. Sri Hari Prasad Chetia—Security Guard.

3. Sri P. C. Khargaria—Asstt. Gd. III.

4. Sri Budhnath Das—Khalasi.

5. Sri Punaram Changmal—Khalasi.

6. Sri Ratneswar Mohan—Khalasi.

7. Sri J. N. Bordoli—N. T. Driver.

8. Sri Gunaran Gogoi—Security Guard.

3. Whether the termination of the services of the undermentioned workmen were justified? If not, to what relief are the workmen entitled?

1. Sri Phuleswar Handique—Security Guard.

2. Sri Nolak Ch. Baruah—Security Guard.

3. Sri Brojen Chetia—Security Guard.

2. On receipt of the copy of Gazette notification the parties were requested to submit their written statement by 30th January 1968 *vide* my letter No. Cal. 58 (36)/67, dated 22nd January 1968 endorsing a copy thereto the opposite party so as to facilitate each of them to furnish their counter-comments to me endorsing a copy to other party. But, the parties requested for extension of time which was granted. The Oil and Natural Gas Commission Employees Union submitted their comments *vide* their letter No. ONGC-EU/DA-DEM/Vol. III/68 dated 19th January 1968 but received by me on 22nd February 1968 endorsing a copy to other party. The General Manager, Oil and Natural Gas Commission, Eastern Region, Sibsaagar submitted his comments *vide* his letter No. SBS/CON/17(7)/66-68, dated the 29th February, 1968 endorsing a copy to the other party.

3. The parties were heard in person on 22nd March 1968 wherein Sri B. M. Lal, Deputy Manager, Oil and Natural Gas Commission, Eastern Region. Sri Lal appealed to the Union President Sri B. N. Borpuzari not to press the point with regard to wages for the period of unemployment in respect of Sarvashri Lalit Chandra Saikia, Ramjan Ali, Janti Ali and Santi Kalita in terms of mutual settlement of July, 1967. Sri Borpuzari spontaneously agreed and there were no arguments in issue No. 1. therefore.

Issue No. 1

The parties did not press the point as stated above so I give the consent award on issue No. 1 as under:—

Sri Lalit Chandra Saikia—Security Guard

Sri Ramjan Ali—Khalasi

Sri Malik Ali—Khalasi

Sri Janti Ali—Khalasi

Sri Santi Kalita—Security Guard.

and would not be entitled to any wages for the period between the date of termination and their re-employment. The period will be treated as Extra-ordinary leave with all benefits of continuity of service.

Issue No. 2

Workmen whose names appear in the table below were appointed in categories and the dates shown against their names by the management of Oil and Natural Gas Commission, Eastern Region, on probation in their organisation. The services of these workmen were terminated for failure to complete the probation successfully on the dates given in the table:—

Sl. No.	Name of the workmen	Designation	Date of appointment	Date of termination
1	2	3	4	5
1.	Sri Nagenchandra Bora	Khalasi	22-4-65 (FN)	21-2-67 (AN)
2.	Sri Hari Prosad Chetia	Secretary	6-1-66 (FN)	31-1-67 (AN)
3.	Sri P. C. Khargaria	Asst. Gd. III	22-2-66 (FN)	2-5-67 (AN)
4.	Sri Budhnath Das	Khalasi	20-3-66 (FN)	3-5-67 (AN)
5.	Sri Punaram Changmani	Khalasi	29-3-66 (FN)	3-5-67 (AN)
6.	Sri Ratneswar Moñan	Khalasi	20-9-66 (FN)	3-5-67 (AN)
7.	Sri J. N. Bardoli	M.T. Driver	13-12-65 (FN)	30-4-67 (AN)
8.	Sri Gunaram Gogoi	Secy. Guard	24-9-65 (FN)	23-9-66 (AN)

Sri B. N. Borpuzari for the workmen argued that the workmen concerned were civil servants under the Government or the Governmental authority as such they were entitled to protection under Article 311 of the Constitution of India. Even though the employees were temporary civil servants on probation the provision of the Central Civil Service (Classification, Control and Appeal) Rules relating to termination of service of an employee were applicable in their cases and as such the employers were under obligation to give opportunity to the workmen concerned to be heard and issue show-cause against the action proposed to be taken in regard to them. In support of his argument he cited the ruling in case of Sumanlal Vs. State of U.P. (AIR-157 Allahabad 241) and Rajaram Vs. State of U.P. (AIR-1958 Allahabad 141). Further, he invited my attention to Central Civil Service (Classification, Control and Appeal) Rules 1960 where it is stated.

"Where it is proposed to terminate the employment whether during or at the end of the probation for a specific fault or on account of his unsuitability for the service the probationer shall be apprised of the grounds of such proposal and given an opportunity to show-cause against it, before orders are passed by the authority competent to terminate the employment". (Government of India) Ministry of Home Affairs Notification No. 60/116/49-1, dated 10th October 1947. Circular No. ONGC.No.103(18)/62-63-Estt.III, dated 14/20/21, March 1963 received by the Director of Administration and Security Oil and Natural Gas Commission was also, placed before me. Para 'B' of this circular reads as under:—

"Each case of probation shall be reviewed a fortnight before the date on which the probationary period expires". In addition Sri Borpuzari quoted last line of para 4 of the office order issued by the Deputy Manager, Sibsagar to all section heads—Jt. Manager, Lawka, No. SDS/CON/17(9)/66 dated 9th September 1966 "the extension having been ordered, the employees should be tried under a different Reporting Officer during the extended period".

The workmen in the instant case were not given sufficient chance to defend themselves as required under the provisions of various rules and regulations. They were as such denied the rule of natural justice. He, therefore, urged that they should be re-instated with full wages.

On legal side of the issue the employers' representative stated that the case did not attract the provisions of Article 311 of the Constitution of India since a temporary employee on probation could not be treated on par with regular or confirmed Government servants. In support of his argument he cited the cases Joy Kumar-Vs.-Union Territory of Manipur (AIR-Supreme Court of India 1968). So far as a probationer is concerned he has to prove his performance regarding

conduct and character to the satisfaction of the employer. He does not enjoy the right of confirmation until it has been given to him by the employer. The service of a person employed in a temporary capacity on probation can be terminated without holding enquiry and giving him chance to defend himself. The termination of service in such a case does not amount to removal or reduction in rank within the meaning of Article 311(2) has been held by the Supreme Court of India in case *Hartsell Prescott Singh-Vs-Uttar Pradesh Government* (AIR 157 S.C. 866).

In fact, the principles governing the termination of service or discharge of probationary public servants are laid down by the Supreme Court in *Parshottam Lal Dhingra-Vs-Union of India*—1958 S.C. 828 and are summarised as follows:—

1. Appointment to a post on probation does not give to the person so appointed any right to the post, and his service may be terminated without taking recourse to the proceedings laid down in the relevant rules for dismissing a public servant or removing him from service.
2. The termination of employment of a person, holding a post on probation without any enquiry whatsoever cannot be said to deprive him of any right to a post, and therefore, is not punishment.
3. But instead of terminating such a person's service without any enquiry, if the employer chooses to hold an enquiry into his alleged misconduct or inefficiency or for some similar reasons, the termination of service is by way of punishment, because it puts a stigma on his competence. In such a case he is entitled to the protection of Article 311(2) of the Constitution.
4. In the case referred to in para 3 above, if the probationer is discharged without a proper enquiry and without his getting reasonable opportunity of showing cause against his discharge, it amounts to 'removal from service' within the meaning of Article 311(2) and the order is liable to be struck down.
5. But if the employer simply terminates the service of a probationer without holding an enquiry and without giving him a reasonable chance of showing cause against his removal from service he can have no cause of action, even though the real motive behind the removal may have been that employer thought him to be unsuitable for the post he was temporary holding on account of his misconduct or inefficiency or some similar cause.

The services of the employees in question except two persons viz., Sarvashri Nagen Chandra Bora and P.C. Khargaria which I shall discuss later separately were terminated as they failed to successfully complete the probation. The order terminating their services did not specify any ground like unsatisfactory work or conduct, reputation for corruption, and corruption, and unsuitability for the posts held by them on probation. The Commission discharged these employees without casting any aspersions on their honesty or competence, and as such the discharge order does not amount to removal of service by way of punishment the workmen have, therefore, no cause of action.

The order on the face of it is a simple order of termination of service, the ones was on the employees to show that the form of the order was merely a camouflage or cloak to hide the real intension of the authority which was to dismiss them by way of punishment for some misconduct, and in absence of any evidence to show that such was the real intention of the authority, the order has to be accepted as validity made. In any case the employees cannot invoke the provisions of Article 311(2), of the Constitution of India in the circumstances aforesaid.

It is also interesting to note that Oil and Natural Gas Commission is not a Government department. It is a creation of a statute and that being so I am doubtful if the employees of the Commission are civil servants. A recent ruling of Calcutta High Court in case *Commissioners for the Port of Calcutta and another—Vs.—Baleswar Singh* (AIR 1963 Calcutta 206) lends me support. The Commission has got the right to employ people for carrying out their work discharging dismissing or suspending them from service. They have as well powers to frame rules in this behalf. Therefore, on this count as well the provisions of Art. 311(2) of the Constitution are not attracted. A Commissions' employee as already mentioned is not a civil servant, the rules applicable to Government servants are not applicable in his case. Therefore, the Union cannot claim any protection for the

workmen under Central Civil Service (Classification, Control and Appeal) Rules. The Commission having framed its own service rules viz., Oil and Natural Gas Commission Conduct Discipline and Appeal Regulations are required to follow them only. It is within the frame work of these rules the workmen have to seek remedy with regard to their service conditions. The appointment letters of the employees clearly stipulate that their services during the probation period can be terminated if not found satisfactory without assigning any reason and also, probationary period can be extended to give sufficient chance to the employee concerned to improve himself. The administrative orders quoted by Sri B. N. Borpuzari do not in any way improve the position. They are meant for guidance of the Reporting Officers.

After going through individual case and as already indicated I find that the management of Oil and Natural Gas Commission on while dealing with the employees concerned followed the rules of natural justice and Oil and Natural Gas Commission Conduct Discipline and Appeal Regulations except in the cases of Sri Nagendra Chandra Bora and Sri P. C. Khargaria. In the case of Nagendra Chandra Bora the Reporting Officer did not make any adverse entry against him for the assessment period 20th July 1966 to 21st October 1966. In the assessment report for the period 22nd October 1966 to 20th January 1967 the Reporting Officer remarks against column Nos. 8 & 9 are 'no, he has not improved in spite of so many warnings. He is not interested in his job'. From this it is quite evident that he was influenced by the Reviewing Officers' remarks for the assessment period 20th July 1966 to 21st October 1966 wherein he had remarked 'this is not satisfactory'. It is not understood how the worker lost interest in his work soon after 21st October 1966. If the warnings were at all administered to the employee it should have found some mention of the same in the assessment report in some form for the period 20th July 1966 to 21st October 1966. This being the position I agree with the union representative that wrong was done to Sri Nagendra Chandra Bora and that the rules of natural justice were not followed in his case.

Similarly, in the case of Sri P. C. Khargaria for the period from 21st February 1966 to 20th November 1966, the Reporting Officer did not make any adverse remarks but found him suitable for continuance in the post. The Reviewing Officer did not pass any order on that report. But, the assessment report for the year 21st February 1966 to 20th February 1967 contains adverse remarks in column Nos. 3 and 6. A specific report was called for on 30th April 1967 and it was on the basis of this report the services of Sri P. C. Khargaria were actually terminated. The charge being that there was shortage of Rs. 100/- when Sri Khargaria disbursed monthly wages and Rs. 113/- while disbursing overtime allowance. I do not find any record to show that Sri P. C. Khargaria was charged with the duty of handling/dispersing cash. Assuming that the employee did handle cash and made shortages during disbursement of wages and overtime allowance why the authorities did not handover the matter to police or remove the employee from service forthwith (after fulfilling due formalities, if any, necessary) is not understood. This creates doubt in my mind and makes me believe that the special report called for was not free from bias. In the circumstances, I feel that the management of Oil and Natural Gas Commission, was not justified in terminating the services of Sri P. C. Khargaria, also.

In the result, I hold that the employers viz., Oil and Natural Gas Commission were justified in terminating the services of all the workmen except Sarvashri Nagen Chandra Bora, Khalasi and P. C. Khargaria, Asstt. Gd. III. They will be reinstated within one month of the publication of the award and their period of unemployment will be treated as Extra-ordinary leave without pay which should confer on them the benefit of continuity in service.

Issue No. 3.

Short service history of the workmen Sarvashri Phuleswar Handique, Molok Chandra Baruah and Brojen Chetia is given in the table below:—

Sl. No.	Name of the workmen	Designation	Date of appointment.	Date of termination of service.
1.	Sri Phuleswar Handique	Secretary	17-9-65	30-7-66
2.	Sri Molok Ch. Baruah	—Do.—	17-6-66	13-8-67
3.	Sri Brojen Chetia	—Do.—	9-6-66	12-6-67

All these security guards were temporary employees on probation. Their services were terminated during the probationary period, for failure to successfully complete the same, without attaching any stigma. The workmen cannot claim benefit under Article 311(2) of the Constitution of India for the reasons given under issue No. 2, they cannot claim any relief under Central Civil Service (Classification, Control and Appeal) Rules. On examination of Oil and Natural Gas Commission Conduct Discipline and Appeal Regulations and the assessment report of these temporary employees I hold that the management of Oil & Natural Gas Commission was justified in terminating the services of Sarvashri Milok Chandra Boruah and Brojen Chetia, Security Guards and not of Sri Phuleswar Handique during the probation period. Sri Handique case is parallel to one of Sri P. C. Khargaria discussed under issue No. 2. The charge against him is of theft of commissions' property. I do not find that the Commission followed the rules of natural justice in this case, as well. Accordingly, I hold that the services of Sri Phuleswar Handique were not rightly terminated. He will be reinstated within one month of the publication of my award. He will not be entitled to any wages for the period of unemployment; the period will however, be treated as Extra-ordinary leave with benefit of continuity of service.

My award, therefore, is as indicated in my findings on issues Nos. 1, 2, and 3.

Sd/- N. K. CHADDHA,
Arbitrator & Regional Labour Commissioner,
(Central)
(Central)

Dated the Calcutta,

20th April, 1968.

[No. 25/19/67-LRI.]

New Delhi, the 7th May 1968

S.O. 1745.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi, in the Industrial Dispute between the employers in relation to National and Grindlays Bank Ltd., New Delhi, and their workmen, which was received by the Central Government on the 27th April, 1968.

BEFORE THE INDUSTRIAL TRIBUNAL: DELHI.

PRESIDENT:

Shri Anand Narain Kaul, Industrial Tribunal, Delhi.

New Delhi, the 5th January, 1968

Reference C.G.I.D. No. 42 of 1966

BETWEEN

The Management of National and Grindlays Bank Ltd., 10-Parliament Street, New Delhi.

AND

Their Workmen.

Shri K. K. Khullar—for the Management.

Shri J. B. Kashyap—for the Workmen.

AWARD

By S.O. No. 51(55)/65-LRIV, dated 3rd January, 1966, the Central Government was pleased to refer to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the National and Grindlays Bank Ltd., and their workmen, in respect of the matter specified in the Schedule annexed thereto. The dispute as specified in the Schedule is as follows:—

"(1)(a) Whether the management of the National and Grindlays Bank Ltd., are justified in appointing Shri Ved Ram, peon as Daftry in their Karolbagh Branch ignoring the claims of Sarvashri Sher Singh and Ram Ugra.

(b) If not to what relief Sarvashri Sher Singh and Ram Ugra entitled?

(2) (a) Whether the management of the National and Grindlays Bank Ltd., are justified in not appointing a daftry in their Bara Hindu Rao Branch?

(b) If not whether the vacancy in the said branch should be filled up by appointing the senior most peon?

(c) If the said vacancy should be filled up by appointing the senior most peon who should be appointed and from which date?"

2. After a considerable progress had been made in the case, the parties reported having arrived at an amicable settlement and a memorandum of settlement was jointly filed by Shri K. K. Khullar on behalf of the management and Shri J. B. Kashyap, President of the National and Grindlays Bank Employees' Union for the workmen. Both the above-named representatives verify the terms of the settlement: Annexure 'A' and seek an award in terms thereof. I, accordingly, pass an award in terms of the settlement Annexure 'A' which shall form part of the award.

Sd./- ANAND NARAIN KAUL,

5th January, 1968.

Central Government Industrial Tribunal: Delhi.

ANNEXURE 'A'

BEFORE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: DELHI

IN THE MATTER OF I. D. NO. 42 OF 1966.

In the matter of an Industrial Dispute

BETWEEN

The Management of M/s National and Grindlays Bank Limited, New Delhi.
Delhi.

AND

Its Workmen.

MAY IT PLEASE THE HONOURABLE TRIBUNAL.

The above-named parties have amicably settled the disputes as under:—

- (1) The appointment of Shri Ved Ram, Peon, as Daftry in the Bank's Karol Bagh Sub-branch will remain undisturbed.
- (2) Shri Sher Singh will be transferred to Bara Hindu Rao Sub-branch with effect from 1st January, 1968, for appointment as a peon-cum-Daftry. He will be required to perform the duties of both the categories including those listed for Dافتries in Appendix B (Chapter V) of the Settlement dated 19-10-66 and he will be paid the prescribed special allowance of Rs. 15 from the date of such appointment.
- (3) Shri Ram Ugra will be transferred to Chanakyapuri Sub-branch with effect from 1st January, 1968, for appointment as a peon-cum-Daftry. He will be required to perform the duties of both the categories including those listed for Dافتries in Appendix B (Chapter V) of the Settlement dated 19-10-1966 and he will be paid the prescribed special allowance of Rs. 15 from the date of such appointment.
- (4) All claims for retrospective adjustments are hereby withdrawn.
- (5) The workmen and the Union agree that the terms incorporated herein are in full and final settlement of the disputes raised by them and they do not claim any other relief whatsoever.
- (6) It is further agreed that the terms of settlement mentioned above are without prejudice to either parties contentions and will not be used as a precedent in relation to any other dispute.

It is, therefore, prayed by both the parties that an Award may be made in terms of Paragraphs 1 to 6 mentioned hereinabove.

For and on behalf of National and Grindlays Bank Limited, 10, Parliament Street, New Delhi.

Sd./- K. K. KHULLAR,
Sub-Manager.

New Delhi,

Dated 28th December, 1967.

For and on behalf of Workmen of National and Grindlays Bank Ltd., represented by National and Grindlays Bank Employees' Union, Delhi.

1. President.
Sd./- J. B. KAISHYAP,
2. General Secy.
Sd./- RAJINDER SAYAL.

51/55/65-LRIV

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)

New Delhi, the 3rd May 1968

S.O. 1746.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the Jharia Khas Colliery of Messrs Trigunait Brothers and their Managing Directors, Messrs Union Coal Corporation, Post Office Katrasgarh, District Dhanbad of the one part and their workmen of the other part, which was received by the Central Government on the 29th April, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 63 OF 1967.

PARTIES

Employers in relation to the Jharia Khas Colliery of Messrs Trigunait Brothers and their Managing Directors, Messrs Union Coal Corporation, (Post Office Katrasgarh Dist; Dhanbad.

AND

Their workmen

PRESENT

Shri Nandagiri Venkata Rao—*Presiding Officer*.

APPEARANCES:

For the Employers.—Shri B. B. Singh, Personnel Officer.

For the workmen.—Shri B. P. Sinha, General Secretary and Shri M. M. Sidhanta, Secretary, Katras Branch of the Indian National Mines Overmen and Sirdars' shortfirers' Association.

STATE Bihar,

Dhanbad dated 26th April 1968.

INDUSTRY: Coal.

AWARD

The Central Government being of opinion that an industrial dispute exists between the employers in relation to the Jharia Khas Colliery of Messrs Trigunait Brothers and their Managing Directors, Messrs Union Coal Corporation, Post Office Katrasgarh, Dist. Dhanbad and their workmen by its order No. 2/72/65-LRIV dated 30th July 1965 referred to the Central Government Industrial Tribunal,

Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the action of the management of the Jharia Khas Colliery of Messrs Trigunait Brothers and their Managing Directors, Messrs Union Coal Corporation, in dismissing Sarvashri Kewal Beldar, Madan Bhula and Ram Charan Bhula, Mining sirdars, from service with effect from the 3rd March, 1965, was justified? If not, to what relief are the workmen entitled?"

2. The Central Government Industrial Tribunal Dhanbad registered the reference as reference No. 130 of 1965 on its file. Workmen filed their statement of demands, while it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May 1967 under Section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 63 of 1967. The employees filed their statement of demands.

3. The workmen were represented by Sarvashree B. P. Sinha, General Secretary and M. M. Sidhanta, Secretary, Katras Branch of the Indian National Mines Overmen and sirdars' Shortfirers' Association and the employers by Shri B. B. Singh, Personnel Officer. The two affected workmen, Kewal Beldar and Ram Charan Bhula were present in person. Jogeshwar Bhula son of the affected workmen Madan Bhula was also present. The parties filed a joint memo stating that the dispute covered by the reference was settled to their entire satisfaction and that an award be passed in terms of the compromise. The compromise memo was duly verified. On behalf of the workmen it was also conceded that each of the three affected workmen was paid Rs. 300/- in terms of the compromise. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947. The compromise memo is annexed herewith and made part of the Award.

Sd/-

N. VENKATA RAO,
Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT ADDITIONAL
INDUSTRIAL TRIBUNAL, DHANBAD.

A. T. REFERENCE NO. 63 OF 1967.

I. T. REF. NO. 130 OF 1965.

PARTIES:

Employers in relation to JHARIA KHAS COLLIERY
AND
Their workmen

Joint Petition of Compromise.

The Parties above-named most respectfully beg to submit as under:—

(1) That the Government of India, in the Ministry of Labour and Employment, by Notification No. 2/72/65-LR-II dated New Delhi the 13th July, 1965 have referred the under-mentioned matter for adjudication by this Hon'ble Tribunal:—

"Whether the action of the management of Jharia Khas Colliery of Messrs Trigunait Brothers and their Managing Directors M/s. Union Coal Corporation in dismissing Sarvashri Kewal Beldar, Madan Bhula".

1. That the parties above-named have in the meantime discussed the dispute in reference and have agreed to mutually settle the issue on the following terms:—

- (i) It is agreed that Sarvashri Kewal Beldar, Madan Bhula and Ram Charan Bhula Mining Sirdars of Jharia Khas Colliery, the workmen concerned will be paid an *ex-gratia* amount of Rs. 300/- (Rupees three hundred) each within 10 days of this settlement.
- (ii) The parties will bear their respective costs.

2. Under the circumstances the parties herein concerned most respectfully beg to pray that this Honourable Tribunal may be graciously pleased to accept the settlement stated herein above and pass an award in terms thereof.

And for this the parties as in duty-bound shall ever pray.

For the Employers,

FOR, UNION COAL CORPORATION

Sd./- Illegible.

PARTNER

For the Workmen, M. M. SIDHANTA.

Secretary.

Concerned workmen—

Date 30th January 1968 B. P. SINHA—21-2-68.

1. L.T.I. of Madan Bhuia

2. L.T.I. of Ramcharan Bhuia

3. L.T.I. of Kewal Beldar.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

REFERENCE No 63 OF 1967

Employers in relation to the Jharia Khas Colliery of Messrs Trigunait Brothers and their Managing Directors, Messrs Union Coal Corporation, Post Office Katrasgarh, Distt. Dhanbad

AND

Their workmen

LIST OF DOCUMENTS ADMITTED IN EVIDENCE FOR THE EMPLOYERS

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Ext. M1	Copy of the Charge sheet dated 3-3-1965.	8-11-67	By consent	
Ext. M2	Reply submitted by the workmen concerned (in original)	Do.	Do.	
Ext. M3	Copy of the dismissal letter dt. 16-3-65.	Do.	Do.	

LIST OF DOCUMENTS ADMITTED IN EVIDENCE FOR THE WORKMEN

Distinguishing mark or number	Description of documents and date	Date of admission	Whether admitted or Proved	Proved by
Ext. W1	Charge sheet dated 3-3-67	8-11-67	By consent	
Ext. W2	Letter of dismissal dated 16-3-1965	Do.	Do.	
Ext. W3	Management's letter dated 1-6-65	Do.	Do.	

(N. VENKATA RAO),
Presiding Officer

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

REFERENCE NO. 63 OF 1967

Employers in relation to the Jharia Khas Colliery of Messrs. Trigunait Brothers and their Managing Directors, Messrs. Union Coal Corporation, Post Office Katrasgarh, Distt: Dhanbad.

AND

Their workmen

LIST OF WITNESSES EXAMINED FOR THE EMPLOYERS

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

LIST OF WITNESS EXAMINED FOR THE WORKMEN

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

Sd./-
N. VENAKATA RAO,
Presiding Officer
[No. 2/72/65-LRI.]

New Delhi, the 8th May 1968

S.O. 1747.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the National Coal Development Corporation Limited, Darbhanga House, Ranchi (Bihar) and their workmen, which was received by the Central Government on the 2nd May, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Dated April 29, 1968

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

Case Ref. No. CGIT-89 of 1964 (Bombay Tribunal)
Case Ref. No. CGIT/LC-2 of 1966 (Jabalpur Tribunal)

PARTIES:

Employers in relation to the National Coal Development Corporation Limited, Darbhanga House, Ranchi (Bihar).

Vs.

Their workmen represented through the Madhya Pradesh Colliery Workers' Federation, P.O. Kurasia Colliery, Dist. Surguja (M.P.).

APPEARANCES:

For employers—Sri R. S. Murty, Group Personnel Officer of the Corporation.

For workmen—1. S/Sri Gulab Gupta, General Secretary and B. N. P. Sinha, Secretary of M.P.C.W.F. 2. Sri D. D. Chatterji, Branch Secretary of

Indian National Mines Overmans Sirdars and Shot Firers Association,
Korba.

INDUSTRY: Coal Mine.

DISTRICT: Surguja (M.P.).

AWARD

By reason of an agreement entered into by the National Coal Development Corporation Ltd., a public sector undertaking and the M.P. Colliery Workers Federation dated 30th July, 1964, the Ministry of Labour and Employment by Notification No. 1/19/63-LR-II dated 12th October 1964 referred the following dispute to Central Government Industrial Tribunal, Bombay, under Section 10(2) I.D. Act. Proceedings remained pending before the Bombay Tribunal till transferred to this Tribunal by Notification No. 8/141/66-LR. II dated 17th September 1966.

Matter of Dispute

Whether by the introduction of the Cadre Scheme for the Mining Subordinate staff in the Madhya Pradesh Collieries of National Coal Development Corporation Limited the incumbents holding the posts of Ventilation Assistant, Overman, Senior Overman, Jr. Overman prior to the introduction of the said scheme have in any way suffered in status or scales and if so, relief?

More than one written statements were filed by both parties before the Bombay Tribunal. The National Coal Development Corporation, to be hereinafter called the N.C.D.C. or Corporation, filed the first statement dated 16th November, 1964 followed by a rejoinder dated 30th December 1964 after the Madhya Pradesh Colliery Workers Federation to be hereinafter called the M.P.C.W.F., filed their statement of claim dated 12th December 1964. The N.C.D.C. again filed a consolidated statement dated 12th November 1965 to be hereinafter referred to as supplementary or consolidated statement. The Federation again filed a statement of claim dated 3rd December 1965. All these had been filed before the Bombay Tribunal.

2. After transfer of the case to this Tribunal on preliminary hearing rendered on 17th October 1966, N.C.D.C. wanted to file reply to the rejoinder of workmen dated 3rd December 1965 which was allowed subject to payment of certain costs. At this hearing it appeared to me that the subject matter of dispute cannot be fairly and effectively determined without hearing workmen in general and other unions operating in the collieries of N.C.D.C. in Madhya Pradesh. It was, therefore, ordered under Sec. 18 of I.D. Act that notices shall also be sent to all the workmen and Unions operating in the 13 collieries of N.C.D.C. in Madhya Pradesh to file their written statements. After due publication of notices, only two other unions appeared and filed statements of claim on the hearing rendered on 3rd December 1966. The Indian National Mines Overmans Sirdar and Shot Firers Association Korba, to be hereinafter called the INMOSSA or Association, represented by Sri D. D. Chatterji, Branch Secretary, filed written statement on this date. As a matter of fact, this is the only other union which continued to appear in subsequent proceedings and another union, Baitul Zila Rashtriya Khadan Karamchari Sangh, which also appeared, dropped out and took no further interest in subsequent hearings. On hearing rendered on 22nd December 1966, the representative of the N.C.D.C., Sri R. S. Murty, pressed that certain preliminary objections mentioned in para 17 of the consolidated statement-cum-rejoinder should first be disposed of. The first objection raised was that the Central Government could not refer the dispute under Sec. 10(2) I.D. Act without being satisfied by the fact that the dispute was supported by majority of the workmen. It was held that this was a matter for the satisfaction of the Central Government and the jurisdiction of the Tribunal is derived from reference under Sec. 10(2) I.D. Act. The objection was overruled. Linked with this was another objection that the M.P.C.W.F. did not represent the majority of the workmen and had no representative capacity. That was also overruled on the simple ground that the N.C.D.C. having entered into an agreement giving rise to this reference under Sec. 10(2), N.C.D.C. cannot now be permitted to raise this objection for representation. The agreement itself demolishes the argument.

3. Before embarking upon further enquiry and calling upon parties to adduce evidence, it was considered necessary that the N.C.D.C. should be required to prepare and file certain statements regarding the position of Ventilation Assistants, Junior Overman, Overman and Senior Overman, before the introduction of the Cadre Scheme, showing the scale of pay and the actual pay drawn by each and

how after the introduction each incumbent was fitted. The compilation of such statements took time and after the statements were filed and are annexures to this award, objections were invited from the unions which were heard and decided on the hearing rendered on 5th July, 1967. After a few intervening dates when parties took time for one reason or the other, the recording of evidence commenced at camp Korba on 16th October, 1967 and the workmen's oral evidence was concluded on that date and the following day. In all six witnesses were examined by both the Unions, M.P.C.W.F. and the I.N.M.O.S.S.A. They are S/Sri B. N. P. Sinha (W.W. 1), D. D. Chatterji (W.W. 2), W. F. Karlekar (W.W. 3), Paul Singh (W.W. 4), Chintoo Lal (W.W. 5) and Lalita Prasad (W.W. 6). A large number of documents were also filed. The M.P.C.W.F. filed 83 documents and were accepted on affidavit of Shri B. N. P. Sinha as Ex. W./1 to W/83. INMOSSA also filed certain documents but they were not proved by affidavit or otherwise and have not been exhibited. Most of them, however, had been filed by M.P.C.W.F. The employers evidence was recorded on three dates, i.e., 23rd October, 1967, 24th October, 1967 and 5th February, 1968. Two more documents Ex. W/86 and W/87 were tendered during the employers evidence which were received subject to payment of certain costs and were formerly proved by the evidence of a witness on 6th March, 1968. The employers who were given time to meet these documents gave no further evidence. In para 3 of the written statement dated 12th December, 1964 of M.P.C.W.F., it is stated that the Cadre Scheme has classified the Mining Staff in two grades and has done so without notice under Sec. 9-A I.D. Act thereby acting in arbitrary manner. This Union or as a matter of fact, workmen in general, do not challenge the Cadre Scheme as a whole. On the other hand, it is welcomed for better grades for most categories except for the few categories of subordinate mining staff under reference. It has been vaguely suggested during arguments that where the scheme has adversely affected some of the categories covered by the reference, it would be violation of Sec. 9-A of the Act. Such legal and technical objection cannot be permitted by the terms of reference. The scope is a limited one and jurisdiction has been conferred by agreement of parties only on the factual aspect of the matter viz., whether incumbents by the introduction of Cadre Scheme in any way have suffered in status or scales. The legality or otherwise of the scheme is not at all open for consideration. This objection of M.P.C.W.F. must also be rejected.

4. Before coming to the dispute, it may be stated that the N.C.D.C. before it was incorporated as a Company on 1st October, 1956, was a Government undertaking. Most of its employees were government servants and their terms and conditions of service were regulated by Government Rules. For monthly rated staff, they were governed by Fundamental and Supplementary or Civil Service Rules or by Indian Railway Establishment Code. The Corporation framed its own rules and regulations and adopting the revised Central Pay Commission scales, they had been giving the same to the mining subordinate staff. This is stated in Col. 4 of the Cadre Scheme. Column 5 of the Scheme lays down the new scales prescribed under the Cadre Scheme. It is, therefore, an admitted position that the subordinate mining staff had been getting the scale of pay as revised by the Central Pay Commission. It may further be stated that the N.C.D.C. have collieries not only in Madhya Pradesh but in other States also, like Bihar and Orissa. The Cadre Scheme which has been made effective from 1st August, 1962 seems to have been implemented in collieries of other states without objection by the workmen or unions there, as stated by Sri R. S. Murty (E.W. 1) Group Personnel Officer, N.C.D.C. That may be so, but if the scheme affects prejudicially against the interests of categories of subordinate mining staff under reference working in collieries in Madhya Pradesh, the fact cannot be ignored and will not affect their rights to have suitable relief. Just because it is an all India concern will be no ground to deprive the workers of Madhya Pradesh Collieries of N.C.D.C. from suitable relief and the principle of Supreme Court decision in *Dunlop Rubber Company Vs. Its workmen*, reported in 1959 (II)LLJ p. 826 would apply.

5. Before embarking upon an enquiry on the impact of the Cadre Scheme on the subordinate mining staff which admittedly was an unilateral act on the part of the employers, it has to be remembered that the scheme has to be taken on its face value as envisaged by the employers, the Corporation, and not what it should be in its application to the incumbents holding such posts. A good deal of confusion appears to have prevailed in the minds of the unions, particularly M.P.C.W.F. and rather inconsistent stands had been taken by them at different times at different place. For example in para 10 of the written statement dated 12th December, 1964 the entire scheme has been challenged as null and void and

It was pleaded that pay scales should be prescribed for different posts. In statement dated 2/3rd December, 1965, para 21 in reply to the additional statement of the management dated 12th November, 1965, it was stated that proper fitments of the incumbents was desired. As a matter of fact, the unions do not want the scheme to be read and implemented as it stands but what it should be in their own light. The Cadre Scheme was framed by the employers and it is their intention to be gathered from the scheme itself which is material and relevant in order to comprehend its impact and not how could it be implemented to the advantage of the workers. The question of fitment of either of the whole category of any particular subordinate mining staff or any individual incumbent is wholly outside the scope of the reference. It is due to this confusion and misunderstanding on part of both the unions, M.P.C.W.F. and INMOSSA that a good deal of unnecessary evidence, both oral and documentary, was introduced and which really has no proper bearing on the subject and could have been relevant on the claim for fitments in the Cadre Scheme, which is not covered by the scope of the reference. All this evidence adduced on the subject and arguments addressed will have to be ignored. With these preliminary remarks the Cadre Scheme as it stands may now be examined.

6. Taking up the case of Junior Overman, the Cadre Scheme has abolished this category for future. All junior overmen were in the pay scale of Rs. 150—205. Before the implementation of the Cadre Scheme by letter dated 30th July, 1962 (Ex. E/1) it had been stated that instructions regarding fitment of this category of incumbents would be issued later on. These instructions were contained in letter dated 10th September, 1962 (Ex. E/2) and which is also incorporated as last page in the Cadre Scheme. Paras 4, 5 & 6 of this which are relevant run as follows:—

"(4) M.T.S. students or the persons who are working as Junior Overmen and have obtained Overman's Certificate under the Mines Act will not be required to do the duties of Shotfirer and on option having been obtained from them, they should be fitted in the category 4-Mining Sirdar and after completing the deemed service of 2 years from the date of passing overmanship be considered eligible for next promotion to category 6-Overman.

(5) Those M.T.S. students who will not opt will have to continue in their present scale, i.e. Junior Overman and shall be governed by the old terms and conditions as laid down in the then prospectus, which are as follows:—

(A) Overman-Successful trainees would become eligible for appointment as Apprentice Junior Overman on a stipend (all inclusive) of Rs. 100/- per month, provided that passed trainees possessing statutory Sirdarship Certificate would be given the duties of a Mining Sirdar against available posts when they would receive a basic salary of Rs. 100/- per month in the scale of Rs. 60—130/- per month. Such passed trainees on qualifying at Statutory Overman's Certificates Examination would become eligible for appointment as Junior Overman in the scale of Rs. 100—155/- per month. They would, after obtaining further experience in coal mining for a minimum period of 3 years, be eligible for promotion to the post of Overman in the scale of Rs. 150—300/- per month subject to vacancies being available.

(6) In the case of Junior Overman who do not hold Overman's Certificate under the Mines Act and who had been promoted or directly recruited in the same post will have to be given option for this Cadre Scheme starting on Gr. 4 and after completing 3 years' service as Mining Sirdar and after having obtained Overman's Certificate will be considered eligible for promotion to category 6-Overman."

It is thus clear that while framing the Cadre Scheme the management had no intention that all Junior Overmen would automatically be fitted in the category of Overman. The management had abolished this category for future and all appointments henceforth were to be made in the category of Overman. The argument of the Unions that all the Junior Overmen should be fitted in the scale of Overman and all Overmen in the scale of Senior Overman is evidently misconceived. This was not contemplated by the management and cannot be read so in the scheme itself. The only question is whether incumbents holding the posts of Junior Overmen have in any way suffered in status or scale of pay by reason of the offer and directions contained in letter dated 10th September, 1962 (Ex. E/2). There were two kinds of Junior Overman, namely (1) those were Mining School Trainees and (2) those who were not so. For M.T.S. trainees there is clear

direction in paras 4 & 5 that they would be considered eligible for next promotion to Category VI which is a category of Overmen who opted for the scheme. This is a definite advantage to them. For those who do not opt, they had been given the option to be governed by old terms and conditions as laid down in the then Prospectus. For Non-M.T.S. trainees, the Cadre Scheme gave them Grade IV which is for Mining Sirdars and on completion of three years service and after obtaining Overman's Certificate, they were to be considered for promotion to Category VI of Overman. In the matter of emoluments, therefore, Junior Overmen have in no way suffered. A channel of promotion has been thrown upon to them, which before the Cadre Scheme was not available in the ordinary course. They were getting promotions rather late. For example, S/Sri B. P. Sirkar and S. K. Rudra who are both now Ventilation Assistants got their promotions after 12 to 15 years service from Junior Overmen to the Category of Overmen as would appear from Ex. E/17 and E/18. Now this period has been cut short to 2 or 3 years as laid down in letter dated 10th September, 1962 (Ex. E/2). The Cadre Scheme operates to their distinct advantage so far as their future promotions and emoluments are concerned. Having had to remain in Grade IV for two years by opting for the scheme they qualify and become eligible for next promotion to Grade VI of Overman. Those who do not so opt have to remain content in their existing grades till promoted to the next grade after 3 years qualifying service. The promotion to Overman's category must naturally depend upon their obtaining Overman's Certificate which is a pre-requisite for the post. The various statements filed by the Corporation and are annexures to the award will show that the majority of the Junior Overmen have already benefited and have been promoted to Grade VI in the category of Overmen. Even those Junior Overmen who did not exercise the option were promoted to the post of Overman barring a few exceptions who could not obtain Overman's certificate, namely S/Sri S. M. Dey, A. S. Khan and A. T. Das. All others have got their promotions. In the matter of emoluments therefore, the Junior Overmen had not at all suffered. As far their status, their designations have remained the same. They have not been designated as Mining Sirdars. Consequently, no prejudice has been caused either in status or in emoluments to Junior Overmen by the introduction of the Cadre Scheme.

7. It may be mentioned that a good deal of evidence was introduced as to the nature of work which this category of Junior Overman had been rendering. Actually, most of the oral evidence and a volume of documentary evidence had been tendered on both sides in relation to duties discharged by the Junior Overmen. According to the Unions, these Junior Overmen had been discharging the duties of Overmen while according to management most of them had been doing the job of Mining Sirdars. It is entirely unnecessary to delve into this evidence. Having given them the designation of Junior Overman, the management could take work from the incumbents either as Overman if authorised or as Mining Sirdars. What duties they had been doing are not germane for the determination of the question under reference. It has only to be seen whether by the introduction of the Cadre Scheme, this category of Overman has in any way suffered in status or pay, irrespective of the duties they had been discharging. As adverted to earlier, with the option contained in letter dated 10th September, 1962 which forms part of the Cadre Scheme, it is manifest that no prejudice has been caused in pay. The status remained the same and designation has not been changed. Just because they have been offered grade IV which is the grade of Mining Sirdar till they qualify for Grade VI, there is no change in status because their scale of pay has been secured, chances of promotion have been brightened and designation has been kept intact, so much so for this category of Junior Overman. It may, however, be mentioned that if the designation of the incumbents has been changed to Mining Sirdar from Junior Overman, which is not indicated by evidence, the Corporation should retain the designation of the incumbents as Junior Overman. No further direction is necessary in the matter.

8. As for the category of Overman, the claim of the Unions is wholly misconceived. The contention of the Union that all Junior Overmen should be given Grade VI and all Overmen should be given the grade of Senior Overman in Grade VII is a preposterous claim which is not laid down or envisaged by the scheme. Those incumbents who were in the category of Overman in the pay scale of Rs. 200—380, their pay scale has been revised to the grade of Rs. 250—380. This is a distinct advantage in their pay scale. The category of Senior Overman Grade VII is a new category which was not in existence before the Cadre Scheme and has been made open to those who qualified for the grade as laid down in column 5, namely five years experience for a matriculate and eight years for non-matriculate. Therefore the incumbents holding the posts of Overman have neither suffered in status nor in pay by the Cadre Scheme.

9. As for Senior Overman a new category with a special grade was created and has been thrown upon as a channel of promotion for Overman. It is an admitted case of both sides that there was no category of Senior Overman as such before the introduction of the Cadre Scheme. There is a solitary case of one Sri Paul Singh who was described as Senior Overman in his designation. He was, however, recruited in the grade of Rs. 150—300 with an initial start of Rs. 240/-. He was loosely described as Senior Overman. When there was no category or grade of Senior Overman as such, Sri Paul Singh cannot claim as a matter of right Grade VII of Senior Overman without regard to the condition prescribed for eligibility just because he was loosely described as Senior Overman. He was in the Overman's grade with a higher start because of his special qualifications. No prejudice, therefore, has been caused to him by the introduction of the Cadre Scheme and creation of the new category and grade of Senior Overman. As and when he qualifies and becomes eligible for this category of Senior Overman, he could naturally claim promotion. No one has so far been given the category of Senior Overman in the Cadre Scheme as the statements contained in annexure to this award would show. It has, therefore, to be held that there was no incumbent holding the post of Senior Overman as such and the introduction of the Cadre Scheme has in no way affected Sri Paul Singh either in the matter of pay or status. He could have had a grievance only if some overmen had been promoted above him and given the new category and grade of Senior Overmen introduced by the Cadre Scheme. But that is not so, the conditions for eligibility had been prescribed without any mala fide intention so as to deprive him in particular. These are meant for the entire set up of N.C.D.C. The claim of Sri Paul Singh for automatic fitment in the category of Senior Overman is thus misconceived, there having been no such category before.

10. There now remains the question of Ventilation Assistants which in fact is the only question of importance in this reference. Annexures would show there are three Ventilation Assistants in Madhya Pradesh Collieries of N.C.D.C. They are Sri B. N. P. Sinha in Korba and S/Sri S. K. Rudra and B. P. Sirkar in Kurasla. Their grade of pay was Rs. 350—20—450-25—475. This is evidently a higher grade to that of Overman. The Cadre Scheme has made no mention of this category of post. Grade VIII has been created for Under Manager/Ventilation Officer/Safety Officer. The pre-cadre grade for this category was Rs. 390—710 and this has been raised to Rs. 900/- with a starting of Rs. 590/-. There is absolutely no mention of the post of Ventilation Assistant which was an intermediary post between Overmen and Under Manager/Ventilation Officer/Safety Officer. The clarificatory letter dated 10th September, 1962 also has not touched the question as to what would happen to this category of incumbents. Actually, this omission on the part of the management sparked the trouble and culminated in this reference. This had to be so as one of the persons affected is Sri B. N. P. Sinha who is the Secretary of the Union. The category of Ventilation Assistants was evidently higher grade to that of Overman. The question whether Ventilation Assistants were also doing the job of Overman or not, for which there has been a great controversy is entirely irrelevant for purposes of this reference. Actually, promotion to this category was made from the category of Overman and the pre-cadre pay scale is itself a proof for the same. Sri S. Radha Krishnan (E.W. 9) admitted in cross-examination that the Ventilation Assistants were promoted from the category of Overman and presumably senior men were so promoted. Sri B. N. P. Sinha in Ex. W/84 and W/85 was described as Senior Overman though loosely as in the case of Sri Paul Singh. The fact remains that the promotees to this category of Ventilation Assistant came from the category of Overman and those senior and found suitable must have been selected for this category. Realising this omission in the cadre scheme, the management by their letter dated 23rd March, 1964 (copy Ex. W/5) from Sri Badhera, Chief Personnel Officer, to Sri Gulab Gupta made an offer to amend the Cadre Scheme. It was stated that the present incumbents could hold the post of Ventilation Assistants with the same scale which they were having. They could also be considered for promotion to the post of Senior Overman besides granting two additional increments in their present scale of pay. This offer was turned down by the Union in reply dated 29th March, 1964 (Ex. W/6). A large number of documents have been filed to show about the duties of Ventilation Assistant and rendered by Sri B. N. P. Sinha which undoubtedly are of a technical nature as stated by him and are analogous to that of Ventilation Officers as laid down in Regulation 149(ii)(b) of the Coal Mines Regulation. The N.C.D.C. cannot do away with this post. Incumbents holding the post of Ventilation Assistants must have a grade above the grade of Senior Overman which is for Overman and below the grade of Under Manager/Ventilation Officer/Safety Officer. The terms of reference not only require the determination of the question whether by the introduction of the scheme the

incumbents have suffered in status or scale but also the relief to be granted if the incumbents have so suffered. The Ventilation Assistants cannot be equated with Overman of the Pre-cadre or Post Cadre Scheme and the offer of the management to give them the grade of Senior Overman is unjustified. The Senior Overman's grade has been created for the category of Overman and the Ventilation Assistants are a distinct category above Overman. They should have a grade above the grade of Senior Overman. They were already in the pay scale of Rs. 350—20—450—25—475 which is now the grade of Senior Overman, with this exception that the Senior Overman in the Cadre Scheme go upto Rs. 575/-. The claim of the Union that the Ventilation Assistants should have a pay scale of Rs. 350—20—450—25—500—EB—20—680 with an initial start of Rs. 450/- as claimed in para 5 of the statement of claim dated 12th December, 1964 is a just claim. The Corporation should introduce this grade as and when any one is appointed as Senior Overman, there being no prejudice caused till the happening of this contingency.

Decision

The result is that the introduction of the Cadre Scheme has in no way affected the incumbents holding the post of Junior Overman and Overman there having been no category of Senior Overman. Those Junior Overman who have not been promoted yet as Overman will continue to hold the same designation. There was no category of Senior Overman before the Cadre Scheme and there is no question of any person holding the post in that category. The Cadre Scheme has undoubtedly adversely affected the three incumbents to the post of Ventilation Assistants having made no provision for this post in the scheme. The management should create the grade of Rs. 350—20—450—25—500—EB—20—680 with an initial start of Rs. 450/- as claimed by the Union but from such date when any person is appointed in the newly created grade of Senior Overman. The Union will get Rs. 100/- as costs from the management.

Sd/-
G. C. AGARWALA,
Presiding Officer.
29-4-68

ANNEXURE

STATEMENT I

Reference No. CLT/LC-2 of 1966 (Jabalpur Tribunal)

Statement as Filed by Management of N.C.D.C. Ltd., Showing the Position of Senior Overmen, Ventilation Assistants, Overmen and Junior Overmen as Existing Before Implementation of the Cadre Scheme, i.e. Immediately Prior to 1-8-1962 and the Scale of Pay Drawn by Each on the Date of Implementation, i.e. to Say Just Prior to Implementation of the Cadre Scheme.

Colliery	Category	Name of employees	Pay scale drawn by the employee just immediately prior to the implementation of the Cadre Scheme	Remarks	Sl. No.
1	2	3	4	5	6
BISRAMPUR	Sr. Overman	Nil.	Nil.	Nil.	Nil.
	Ventilation Assistant	Nil.	Nil.	Nil.	Nil.
	Overman	Shri A. K. Roy.	Rs. 200-10-290-15-380/-	Nil.	1
	Jr. Overman	Shri F. I. Khan	Rs. 150-5-175-6-205/-	Nil.	2
	Do.	Shri D. S. Bist.	Do.	..	3
	Do.	Shri Lalita Prasad	Do.	..	4
KOREA	Sr. Overman	Nil.	Nil.	Nil.	
	Ventilation Assistant	Nil.	Nil.	Nil.	
	Overman	..	..	..
	Jr. Overman	Shri A. C. Samanta	Rs. 150-5-175-6-205/-	Nil.	5
	Jr. Overman	Shri B. S. Grewal	Do.	Nil.	6
	Jr. Overman	Shri S. M. Dey.	Do.	Nil.	7
DUMANHILL	Sr. Overman	Nil.	Nil.	Nil.	
	Ventilation Assistant	..	..	..
	Overman	..	..	..
	Junior Overman	Shri S. N. Bhattacharjee	Rs. 150-5-175-6-205/-	..	8
SONAWANI	Sr. Overman	} Nil.	Nil.	Colliery was established in September 1962.	
	Ventilation Assistant				
	Overman				
	Junior Overman.				

1	2	3	4	5	6
CHURCHA	Sr. Overman . . . } Assistant Overman . . . } Jr. Overman . . . }	Nil.	Nil.	Colliery was established in July, 1963.	
KATKONA	Sr. Overman . . . } Vent. Assistant Overman . . . } Jr. Overman . . . }	Nil.	Nil.	Colliery was established in May, 1963 and was closed in December, 1964.	
KURASIA	Sr. Overman . . . Nil. Ventilation Assistant . . . Shri S. K. Rudra . . . Do. . . Shri B. P. Sarkar . . . Overman . . . Shri H. S. Sodhi . . . Jr. Overman . . . Shri C. Aich . . . Do. . . Shri A. C. Maity . . . Do. . . Shri K. K. Sinha . . . Do. . . Shri P. Maulik . . . Do. . . Shri A. T. Das . . . Do. . . Shri G. C. Ghosh . . . Do. . . Shri S. Mohan . . . Do. . . Shri B. K. Das . . .	Nil. Rs. 350-20-450-25-475/- Rs. 350-20-450-25-475/- Rs. 200-10-290-EB-15-380/- Rs. 150-5-175-6-205/- Rs. 150-5-175-6-205/- Rs. 150-5-175-6-205/- Do. Do. Do. Do. Do. Do.	Nil. Rs. 350-20-450-25-475/- Rs. 350-20-450-25-475/- Rs. 200-10-290-EB-15-380/- Rs. 150-5-175-6-205/- Rs. 150-5-175-6-205/- Rs. 150-5-175-6-205/- Do. Do. Do. Do. Do. Do.	Nil.	9 10 11 12 13 14 15 16 17 18 18-A
JAMUA	Sr. Overman . . . } Vent. Assistant Overman . . . } Jr. Overman . . . }	Nil.	Nil.	..	
KORBA	Sr. Overman . . . Ventilation Assistant . . . Shri B. N. Sinha . . . Overman . . . Shri D. D. Chatterjee . . . Do. . . Shri R. K. Sarkhel . . . Jr. Overman . . . Shri Paul Singh . . . Jr. Overman . . . Shri A. S. Khan . . . Do. . . Shri K. N. Sharma . . . Do. . . Shri W. F. Karlekar . . . Do. . . Shri D. K. Paleria . . .	.. Rs. 350-20-450-25-475/- Rs. 200-10-290-EB-15-380/- Do. Do. Rs. 150-5-175-6-205/- Do. Do. Do. Do.	.. Rs. 350-20-450-25-475/- Rs. 200-10-290-EB-15-380/- Do. Do. Do. Do. Do. Do. Do.	.. .. .. .. .. .. .. .. .. ..	19 20 21 22 23 24 25 26

BANKI	Sr. Overman Ventilation Assistant Overman Jr. Overman	} Nil.	Nil.	This colliery was established in January, 1962.
SURAKACHHAR	Sr. Overman Ventilation Assistant Overman Jr. Overman.	} Nil.	Nil.	Colliery was established in November, 1962.
SINGRAULI	Sr. Overman Ventilation Assistant Overman Jr. Overman.	} Nil.	Nil.	This Colliery known as Singrauli-I was opened in January, 1964 and Closed towards the end of 1965.
PATHERKHERA	Sr. Overman Ventilation Assistant Overman Jr. Overman.	} Nil.	Nil.	This colliery was esta- blished in May, 1963.
BIJURI	Do.	Nil.	Nil.	This colliery was established in January, 1963 and closed in January, 1965.

Dated at, Jabalpur 30-1-1967.

(Sd/- R. S. MURTHY)
Group personnel Officer M.P.
N. C. D. C. Limited
Baikunthpur

PART OF AWARD.

Sd/-

PRESIDING OFFICER,
Industrial Tribunal-cum-Labour Court.
(CENTRAL)
JABALPUR.

ANNEXURE

STATEMENT II

Reference No. CIT/LC-2 of 1966 (Jabalpur Tribunal)

Statement showing the Scale of Pay drawn by each employee referred to in Statement No. & on implementation of Cadre Scheme as filed by Management of N.C.D.C. Limited.

Colliery	Sl. No.	Name of employee	Immediately prior to implementation of Cadre Scheme		After introduction and implementation of Cadre Scheme		Whether consent for fitment as per columns 5 and 6 given by employees	Remarks
			Designation	Pay Scale Rs.	Designation	Pay scales (Rs.)		
1	2	3	4	5	6	7	8	9
Bisrampur	1	Sri A.K. Roy	Overman	200—10—290— 15—380	Overman	250—10—290— 15—380	Consent not necessary taken.	..
	2	F.I. Khan	Jr. Overman	150—5—175— 6—205	Mining Sirdar (Gr. 4 of Cadre Scheme)	150—5—175—6— 205—EB—7— 240—with a higher start at Rs. 175	Consent given.	
	3	D.S. Bist	Jr. Overman	Do.	Do.	Do.	Do.	..
	4	Lalita Prasad	Jr. Overman	Do.	Do.	Do.	Do.	..
Korea	5	A.C. Samanta	Do.	Do.	Jr. Overman	150—5—175—6— 205	No change in his case. Consent for Gr. 4 of Cadre scheme not given.	
	6	B.S. Growal	Do.	Do.	Do.	Do.	His position remained unchanged till 10-4-65. He then exercised option for Gr. 4 of Cadre Scheme and was fixed as Mining Sirdar (Gr. 4 of Cadre Scheme in the pay scale of Rs. 150—5—175—6—205—E.B.—7—240 with higher start at Rs. 175.)	

	7	S.M. Dey , Jr. Overman	Do.	Do.	Do.	No change in his case—consent for Gr. 4 of Cadre Scheme not given.	
Duman Hill	8	S.N. Bhattacharjee	Do.	Do.	Do.	Do.	
Churcha	Nil						
Katkona	Nil						
Kurasia	9	S.K. Rudra	Ventilation Asstt.	350—20—450— 25—475	Ventilation Asstt.	350—20—450— 25—475	There is no change in his position. No consent necessary.
	10	B.P. Sarkar	Do.	Do.	Do.	Do.	Do.
	11	H.S. Sodhi	Overman	200—10—290— EB—15—380	Overman	250—10—290— 15—380	Consent not necessary Consent not taken.
	12	C. A. Aich	Jr. Overman	150—5—175— 6—205	Jr. Overman	150—5—175— 6—205	No change in his case—consent for Gr. 4 Cadre Scheme not given. He expired on 27-12-1963.
	13	A.C. Maity	Do.	Do.	Do.	Do.	No change in his case—consent for Gr. 4 of Cadre Scheme not given.
	14	K.K. Sinha	Jr. Overman	150—5—175—6 205	Jr. Overman	150—5—175—6 205	No change in his case consent for Gr. 4 o Cadre Scheme not given.
	15	P. Moulik	Do.	Do.	Do.	Do.	Do.
	16	A.T. Das	Do.]	Do.	Mining Sirdar (Gr. 4 of Cadre Scheme)	150—5—175—6— 205—EB—7—240 with a higher start at Rs. 175	Consent given
	17	G.C. Ghosh	Do.	Do.]	Do.]	Do.	Do.
	18	S. Mohan	Do.	Do.	Jr. Overman	150—5—175—6— 205	There is no change in his case. Consent for Gr. 4 of Cadre Scheme not given
	18A	B.K. Das	Do.	Do.	Do.	Do.	Do.

1	2	3	4	5	6	7	8	9
				Rs.				
Jamuna	Nil							
Korba	19	S/Sri B. N. P. Sinha	Ventilation Assistant	350—20—450— 25—475	Ventilation Assistant	350—20—450— 25—475	There is no change in his position. No consent necessary. Do.	
	20	D. D. Chat- terjee	Overman	200—10—290— EB—15—380	Overman	250—10—290— EB—15—380	Consent not necessary consent not taken Do.	
	21	R. K. Sarkhel	Overman	200—10—290— EB—15—380	Overman	250—10—290— 15—380	Consent not necessary consent not taken Do.	
	22	Paul Singh	Do.	Do.	Do.	Do.	No change in his case consent for Gr. 4 of the Cadre Scheme not given.	
	23	A. S. Khan	Jr. Overman	150—5—175—6 205	Jr. Overman	150—5—175—6— 205	No change in his case consent for Gr. 4 of the Cadre Scheme not given. Subsequently he was transferred to Banki colliery and later on dismissed from Service.	
	24	K. N. Sharma	Do.	Do.	Do.	Do.	No change in his case consent for Gr. 4 of the Cadre Scheme not given. Subsequently he was transferred to Banki colliery and later on dismissed from Service.	
	25	W. F. Karle- kar	Do.	Do.	Do.	Do.	No change in his case consent for Gr. 4 of Cadre Scheme not given. Do.	
	26	D. K. Paleria	Do.	Do.	Do.	Do.		
Banki	Nil.							
Surakachhar	Nil.							
Singrauli	Nil.							
Patharkhera	Nil.							
Bijuri	Nil.							

Dated at Jabalpur
30-1-1967

Sd/
Presiding Officer,
Industrial Tribunal-Labour Court, (CENTRAL) JABALPUR

PART OF AWARD

Sd/- R. S. MURTHY,
Group Personnel Officer (MP)
N.C.D.C. Ltd., Baikunthpur.

ANNEXURE

STATEMENT-III

Statement showing the post held and pay scale drawn by Employers showed in statements No. I & II as on 30-7-1964—The date of agreement under section 10(2) of the Industrial Disputes Act, 1947

Colliery	Sl. No.	Name of employee	Designation	Pay Scale	Remarks.
I	2	3	4	5	6
Bisrampur.	1	S/Sri A. K. Roy	Overman		
	2	F. I. Khan	Do.	Rs. 250—10—290—15—380	He was promoted from 20-12-1963.
	3	D. S. Bist	Do.	Do.	He was promoted from 30-12-1963.
	4	Lalita Prasad	Do.	Do.	He was promoted from 20-2-1964.
Korai	5	A. C. Samanta	Do.	Do.	He was promoted from 20-2-1964.
	6	B. S. Grewal	Mining Sirdar (Gr. 4 of Cadre Scheme)	Rs. 150—5—175—6—205—EB—7—240 with higher start at Rs. 175	He has given consent for the post of Mining Sirdar on 10-4-1964.
Duman Hill Kurasia	7	S. M. Dey	Jr. Overman	Rs. 150—5—175—6—205	
	8	S. N. Bhattacharjee	Overman	Rs. 250—10—290—15—380	He was promoted from 1-10-62.
	9	S. K. Rudra	Ventilation Asstt.	Rs. 350—20—450—25—475	
	10	B. P. Sarkar	Do.	Do.	
	11	H. S. Sodhi	Overman	Rs. 250—10—290—15—380	
	12	C. Aich	He expired on 27-12-1963.		
	13	A. C. Maity	Overman	Rs. 250—10—290—15—380	He was promoted from 15-11-62.
	14	K. K. Sinha	Do.	Do.	He was promoted from 1-10-1962.
	15	P. Moulik	Do.	Do.	
	16	A. T. Das	Mining Sirdar (Gr. 4 of Cadre Scheme.)	Rs. 150—5—175—6—205—EB—7—240 with a higher start at Rs. 175	Do.
	17	S. C. Ghosh	Do.	Do.	
	18	S. Mohan	Overman	Rs. 250—10—290—15—380	Promoted to the post of Overman from 15-11-62.
	18A	B. K. Das	Do.	Do.	Promoted to the post of Overman from 15-11-62.

1	2	3	4	5	6
Korba	19	B. N. P. Sinha	Vent. Asstt.	Rs. 250—20—450—25—475	
	20	D. D. Chatterjee	Overman	Rs. 250—10—290—15—380	
	21	R. K. Sarkhel	Do.	Do.	
	22	Paul Singh	Do.	Do.	
	23	A. S. Khan	Jr. Overman	Rs. 150—5—175—6—205	
	24	K. N. Sharma	He was dismissed before 30-7-1964.		
	25	W. F. Karlekar	Overman	Rs. 250—10—290—15—380	He was promoted from 8-4-1963.
	26	D. K. Pateria	Jr. Overman	Rs. 150—5—175—6—205	

Dated at Jabalpur
30-1-1967

Sd/- R. S. MURTHY,
Group Personnel Officer (M.P.)
N. C. D. C. Limited,
Baikunthpur.

PART OF AWARD

Sd/-
Presiding Officer
Industrial Tribunal-cum-Labour
(Central) Court, Jabalpur.

STATEMENT No. IV

REFERENCE No. CIT/LC-20 F 1966 (JABALPUR TRIBUNAL)

Statement showing the position of employees not covered by Statements I, II, and III and either promoted to post of overman after 1-8-1962 and before 30-7-1964. (Date of Agreement) or Transferred from Collieries in other States to Collieries in M.P. State—or Recruited during this period.

Colliery in which working at present	Sl. No.	Name of employee	Position as on 31-7-1962 prior to introduction of Cadre Scheme		Position after 1-8-1962 after introduction of Implementation of Cadre Scheme		Position as on 30-7-1964 Date of agreement under Sec. 10(2) of the I.D. Act		Remarks
			Post	Pay Scale	Post	Pay Scale	Post	Pay Scale	
I	2	3	4	5	6	7	8	9	10
				Rs.		Rs.		Rs.	
KOREA .	27	Sri E. Khalko	Jr. Overman	150—5—175—6—205	Jr. Overman	150—5—175—6—205	Overman	250—10—290—15—380	Promoted as Overman from 1-4-63 Transferred from Bihar.
KURASIA .	28	Sri R. L. Dass Gupta.	Do.	Do.	Do.	Do.	Do.	Do.	Do.
Do.	29	Sri A. K. Ghosh	Do.	Do.	Do.	Do.	Do.	Do.	Promoted as Overman from 3-4-63 Transferred from Bihar field.
JAMUNA .	30	Sri C. R. Sarkar	Not in service of NCDC Does not arise.				Overman	Do.	Directly appointed as from 12-10-1962.
Do.	31	Sri M. Roy	Jr. Overman	150—5—175—6—205	Mining Sirdar (Gr. IV) of Cadre Scheme.	150—5—175—6—205 EB—7—240 with higher start at Rs. 175	..	..	Transferred from Bihar field.
CHURCHA .	32	Sri N. N. Bahadur	Overman	200—10—290—EB—15—380	Overman	250—10—290—EB—15—380	Overman	Do.	Do.

1	2	3	4	5	6	7	8	9	10
				Rs.		Rs.		Rs.	
KORBA	33	Sri B. B. Srivastava	Overman	200—10—290— EB—15—380	Overman	250—10—290— EB—15—380	Overman	250—10—290— EB—15—380	Transferred to Bihar field.
BANKI	34	Sri M. L. Varma	Not in service of NCDC Ltd. Does not arise				Do.	Do.	Directly appointed.
Do.	35	Sri B. N. Sinha		Do.	Do.		Do.	Do.	Do.
SURAKACHAR	36	Sri D. N. Chakravarty		Do.	Do.		Do.	Do.	Do.
Do.	37	Sri H. C. Goswami		Do.	Do.		Do.	Do.	Do.
Do.	38	Sri L. P. S. Srivastava	(He was not in Mining Cadre) Do.				Do.	Do.	Fixed in post of Overman from 16-6-1964.
PATHERKHERA	39	Sri B. P. Singh	Jr. Overman	150—5—175 —6—205	Mining Sirdar Gr. IV	150—5—175—6—205 —EB—7—240 with higher start at Rs. 175	Do.	Do.	: Promoted as overman from 1-5-64 Transferred from Bihar field. Do. (opted to Gr. 4 from 1-1-63).
Do.	40	Sri A. P. Singh	Do.	Do.	Do.	Do.	Do.	Do.	

NOTE.—This statement does not include employees promoted to officiate in the posts covered by the dispute during the period in question.

Dated at Jabalpur :

30-1-1967

Sd/- R. S. MURTHY,
Group Personnel Officer (M. P.)
N.C.D.C. Baikunthpur.

PART OF AWARD

Sd/-
Presiding Officer.
Industrial Tribunal-cum-Labour Court.
(CENTRAL)
JABALPUR.

Statement showing pay drawn by each employee covered by statements I, II, III and IV filed Management before and after the implementation of Cadre Scheme.

Sl.No. in state- ments I, II, III & IV	Name of Employee	Basic pay drawn just immediately prior to implementa- tion of Cadre Scheme	Basic Pay drawn after introduction & implementa- tion of Cadre Scheme	Remarks
1	2	3	4	5
		Rs.	Rs.	
1	Sri A. K. Roy	260	260	
2	Sri F. I. Khan	150	175	
3	Sri D. S. Bist	150	175	
4	Sri Lalita Prasad	147	175	
5	Sri A. C. Samanta	160	160	Promoted to the post of Overman from 15-11-1962.
6	Sri B. S. Grewal	155	155	He exercised option to Gr. 4 of Cadre Scheme in the pay scale of Rs. 150-5-175-5-205-EB-7-240 with a higher start at Rs. 175/- w.e.f. 11-4-64.
7	Sri S. M. Dey	160	160	He did not exercise option for Gr. 4 of Cadre Scheme.
8	Sri S. N. Bhattacharjee	155	155	Promoted to the post of Overman from 1-10-1962.
9	Sri S. K. Rudra	410	410	
10	Sri B. P. Sarkar	410	410	
11	Sri H. S. Sodi	220	250	Retired from service from 15-7-1965.
12	Sri C. Aich	170	170	He expired on 26-12-1963.
13	Sri A. C. Maity	160	160	He was promoted as Overman w.e.f. 15-11-1962.

1	2	3	4	5
14	Sri K. K. Sinha	175	175	He was promoted as Overman w.e.f. 1-10-1962.
15	Sri P. Mouluk	160	160	He was promoted to the post of Overman from 1-10-1962.
16	Sri A. T. Das	160	175	
17	Sri G. C. Ghosh	187	187	
18	Sri S. Moha	170	170	Promoted to the post of Overman w.e.f. 15-11-1962.
18-A	Sri B.*K. Das	187	187	Promoted to the post of Overman w.e.f. 15-11-1962.
19	Sri B.N.P. Sinha	410	410	
20	Sri D. D. Chatterjee	200	200	Pay fixed at Rs. 250/- from 7-9-1962.
21	Sri R. B. Sarkhel	240	150	
22	Sri Paul Singh	320—*Rs. 50/- Personal Pay	32*—Rs. 35 Personal Pay	
23	Sri A.*S. Khan	155	155	
24	Sri K. N. Sharma	155	155	He was dismissed from service.
25	Sri W. F. Karlekar	175	175	He was promoted as Overman from 8-4-1963.
26	Sri D. K. Paleria	155	155	
27	Sri E. Khaldor	193	193	He was promoted as Overman w.e.f. 4-4-1963.
28	Sri R. L. Das Gupta	160		He was promoted as Overman w.e.f. 3-4-1963.
29	Sri A. K. Ghosh	193	193	Promoted to the post of Overman w.e.f. 3-4-1963.
30	Sri C. R. Sarkar . . . . .	..	..	He was directly appointed w.e.f. 12-10-1962.
31	Sri M. Roy	155	175	He was promoted as Overman w.e.f. 8-4-1964.
32	Sri E. E. Bahadur	230	250	
33	Sri B. B. Srivastava	230	250	
34	Sri K. L. Verma . . . . .	..	..	He was directly appointed as Overman w.e.f. 18-1-1963.
35	Sri B. N. Sinha . . . . .	..	..	He was directly appointed as Overman w.e.f. 18-3-1963.
36	Sri D. N. Chakraborty . . . . .	..	..	He was directly appointed as Overman w.e.f. 18-4-1963.

37	Sri M. C. Goswami			..	..	He was directly appointed as Overman w.e.f. 31-1-1964.
38	Sri L. P. S. Srivastava				He was not in mining cadre.	He was fixed in the post of Overman from 16-6-1964.
39	Sri B. P. Singh			155	175	He was promoted to the post of Overman w.e.f. 1-5-64.
40	Sri Arjun Sahu			150	150	He opted from Gr. 4 of Cadre Scheme from 1-1-1963 and promoted to the post of Overman from 1-5-1964.

Sd/- R.S. MURTHY
Group Personnel Officer (MP),
B.C.D.C. Ltd., Waikunthpur,
District Surguja, M.P.

[No. 1/19/63-LRII.]

New Delhi, the 10th May 1968

S.O. 1748.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the West Barkuhi Colliery of Messrs J. A. Trivedi Brothers, Post Office Parasla, District Chhindwara (Madhya Pradesh) and their workmen was received by the Central Government on the 2nd May, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR,**

Dated April 22, 1968

Sri G. C. Agarwala—Presiding Officer

CASE REF. No. CGIT/LC(R)(149) OF 1967

PARTIES:

Employers in relation to

West Barkuhi Colliery of M/s. J. A. Trivedi Brothers, Post Office Parasla, District Chhindwara, Madhya Pradesh.

Versus:

Their workmen represented through The Secretary, Samyukta Khadan Mazdoor Sangh, P.O. Parasla, Distt. Chhindwara (M.P.)

APPEARANCES:

For Employers—Sri R. J. Trivedi, Agent.

For Workmen—Mohd. Yaqub, workman concerned.

INDUSTRY: Coal Mine

DISTRICT: Chhindwara (M.P.)

AWARD

The Government of India, Ministry of Labour Employment and Rehabilitation (Department of Labour and Employment) referred the following matter of dispute as stated in the order of reference to this Tribunal by Govt. Notification No. 5/45/67-LRII dated 15th November 1967, for adjudication.—

Matter of Dispute

Whether the dismissal of Shri Mohammad Yakub Hanifi Attendance clerk of West Barkuhi Colliery of Messrs J. A. Trivedi Brothers, by the management of the said Colliery, with effect from the 27th December, 1962; was act of victimisation? If so, to what relief is the workman entitled?

2. After statements of claim and rejoinders were filed and on perusal of the pleadings it appeared that the employers raised a preliminary objection that the Samyukta Khadan Mazdoor Sangh was not competent to espouse and the dispute was not an industrial dispute. An issue on the subject was framed. No other additional issue was found necessary.

3. Before taking up the dispute under reference, this preliminary issue raised by the employers may first be disposed of.

4. Samyukta Khadan Mazdoor Sangh is a registered Union of the Industry of Coal mining with a Branch Office at Parasla. This Branch Office covered for its operation collieries including the West Barkuhi Colliery in the Parasla Coal-field. For this Colliery, West Barkuhi Colliery, some of the workers opened a unit of the Branch in April, 1962. The Union was required to file Membership Registers from year 1962, the relevant year when the workman concerned, Sri Mohd. Yaqub Hanifi, was dismissed in December, 1962 till the date of reference which was 15th November, 1967. From the registers and the counterfoils filed it appears that the workman concerned continued to remain a member. He, however, first paid the membership subscription in September, 1962. As a matter of fact, an *Ad hoc* Committee was formed and he was elected as a Vice-President which is evident by one of the documents filed by the employers (Ex. A) which is a communication dated 25th April, 1962 sent by the General Secretary to the management intimating the names of the office bearers. The continued membership of the workman concerned is, therefore, abundantly established. From the statement which the Union was required to file to show the strength of membership of

workers of this Colliery (Ex. W/2) it would appear that it started with membership of 68 workers and which gradually raised to 127 in 1967. The Union, therefore, is not defunct so far as this Colliery is concerned and is still active. It was therefore, competent to raise the dispute. It was, however, contended on behalf of the employers that the Secretary under the Constitution was not authorised to raise the dispute without a proper resolution of members of this Colliery. The Constitution (Ex. W/1) which the Union was required to file does not specifically state that any resolution is necessary. The Secretary is empowered to take all steps necessary for the furtherance of the aims and object of the Union. It was, therefore, within his competence to raise the dispute. The preliminary objection raised is, therefore, without merit. The dispute is an industrial dispute which was properly sponsored and espoused.

5. Coming to the merits of the dispute, it may be borne in mind that the terms of reference is limited to determination of the question whether the action of the management in terminating the services of the workman concerned, Sri Mohd. Yaqub Hanifi, was an act of victimisation. His services were terminated after a bonafide enquiry on two charges one dated 16th October, 1962, and the other dated 18th October 1962. The relevant papers of both the charges are in two separate files, Files II and III. The charge sheet dated 16th October, 1962 was to the effect that he was found sleeping on duty when the Manager visited the Colliery between 2 and 2-15 a.m. Another charge-sheet dated 18th October 1962 related to his conduct for marking the attendance of a worker, Basodi, Chowkidar in the shift between 12/13th October while actually he was not in attendance and 12th October was his rest day. In his explanation the workman concerned admitted that it was a mistake but tried to explain the circumstances under which it happened. For both the charge-sheets a domestic enquiry was conducted by the Agent in which the workman concerned fully participated. The Agent then recorded a finding for both the charge-sheets and directed dismissal from service. The original papers concerning this enquiry are Ex. E/15 to E/29. Charge-sheets and holding of enquiries are facts which are not denied by the workman concerned in his evidence. It is not the case of the Union that bogus charge-sheets were cooked up with a view to victimise him. The validity of the enquiry for any infraction of the principles of natural justice has neither been challenged nor is it open to scrutiny when the only point to be determined is the issue on victimisation. During arguments, only two points were contended. One was that no show-cause notice was sent to workman concerned before terminating his services. This is not at all necessary. A show cause notice may be a requirement under Art. 311 of the Constitution of India which has no application to industrial adjudication. The second ground pressed in argument was that while recording the findings the Agent had recorded the punishment also which is not the function of an Enquiring Officer. The Agent was also the punishing authority and there could be no legal impudiment in his so doing after recording the findings and reaching the conclusion that the charges had been proved.

6. The plea raised on behalf of the Union is that after the formation of the Union in April, 1962, the management became hostile to this worker who was elected as Vice President of the Branch. The Manager, Sri R. S. Bansal, came in evidence and denied this. There is absolutely no indication that the punishment of dismissal was the result of any bad motive. Even after the formation of the Union in April, 1962 it appears that there had been earlier charge-sheets for which lenient views had been taken. On 16th June, 1962 (Ex. E/5) he was charge-sheeted for having been found absent on duty. On his explanation which was considered not at all satisfactory, an enquiry was held and although he was found guilty he was punished merely by suspension for three days. If there had been any mala fide intention, the management could have terminated his services then and there. Again on 28th September, 1962 (Ex. E/10) there is another charge-sheet for his having marked a worker absent negligently although the said worker had not turned up for duty. He admitted his mistake in explanation Ex. E/11 and merely a warning was issued by letter Ex. E/13. No serious action was taken against him. The conduct of the management shows that they had been quite lenient in the past even after the formation of the Union and he having been elected as Vice President. The past record of the worker was far from satisfactory. There had been one charge-sheet dated 14th May 1959 (Ex. E/1) another charge-sheet dated 7th September 1960 (Ex. E/2) and in both of which he was merely let off with warnings after his replies were received and considered. The management was, therefore, fully justified in taking the past record into account and terminating his services for charge-sheets dated 16th and 18th October, 1962 after a bonafide enquiry had been held and charges had been found proved. There was no motive of victimisation.

7. It may be mentioned that the termination took place on 27th December, 1962 while the reference is dated 15th November 1967. The delay in raising the dispute by the Union is stated to be that there was a proceeding pending under Sec. 33-C I.D. Act and considering it to be an industrial dispute the workman under an erroneous impression filed an application under Sec. 33-A I.D. Act. It was only when the mistake was discovered that the Union took up the dispute. Whatever may have been the reason the dispute undoubtedly is a stale one and the section of the Union was belated. That question, however, does not arise because on the merits of the controversy it is clear that there was no motive of victimisation on the part of the management.

Decision

It is, therefore, held that the termination of service of the workman concerned, Sri Mohd. Yaqub Hanifi, on the part of the management was not an act of victimisation. No order for costs.

Sd./-

G. C. AGARWALA,

Presiding Officer..

22-4-1968.

[No. 5/45/67-LRII.]

(Department of Labour and Employment)

ORDERS

New Delhi, the 7th May 1968

S.O. 1749.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company (Private) Limited, Post Office Malkera, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company (Private) Limited, Post Office Malkera, District Dhanbad in dismissing Shri Nabin Chandra J. Mehta, Accountant/Cashier with effect from the 21st August, 1967 was justified? If not, to what relief is the workman entitled?

[No. 2/45/68-LRII.]

S.O. 1750.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kharkharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Kharkharee, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Kharkharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Kharkharee, District Dhanbad was justified in

transferring the following 9 workmen from Kharkharee Colliery to Dacra Colliery with effect from the 28th September, 1967:—

Name	Designation
1. Shri A. K. Sarkar—Welder	
2. " Lakhan Barhi—Blacksmith	
3. " Kalia—Drillman	
4. „ Mohana—Helper	
5. " Bhagirath Mahto—Latheman	
6. " Gurudeo Singh—Latheman	
7. " Samsul Haque—Latheman	
8. " Banamali Modak—Hammerman	
9. " R. L. Boxl—Store-Keeper.	

If not, to what relief are the workman concerned entitled?

[No. 2/55/68-LR.II.]

New Delhi, the 9th May 1968

S.O. 1751.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Damua Colliery of Kanhan Valley Coal Company (Private) Limited, Post Office Damua, District Cindwara (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Damua Colliery of Kanhan Valley Coal Company (Private) Limited, Post Office Damua, in laying off the workmen viz., Sarvashri Arjun, Kamal, Malikram and Rajaram with effect from the 31st November 1967 and subsequently retrenching them with effect from the 23rd February, 1968, was justified? If not to what relief are these workmen entitled?

[No. 5/22/68-LR.II.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 7th May 1968

S.O. 1752 PWA/Mines/Rules/Am.—The following draft of rules further to amend the Payment of Wages (Mines) Rules, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-sections (1), (2) and (3) of section 26, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), is hereby published as required by sub-section (3) of section 26 of the said Act for information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 17th August 1968.

Any objection or suggestions which may be received from any person with respect of the said draft before the date so specified will be considered by the Central Government. Such objection or suggestion may be addressed to "The Secretary to the Government of India. Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment, Shram-Shakti Bhavan, Rafi Marg, New Delhi-1."

Draft Rules

1. These rules may be called the Payment of Wages (Mines) Amendment Rules, 1968.

2. In rule 2 of the Payment of Wages (Mines) Rules, 1956, (hereinafter referred to as the said rules), (i) for clause (g), the following clause shall be substituted, namely:—

“(g) “employer” means the owner of the mine and includes a contractor, an agent or manager or any other person responsible under section 3 of the Act for payment of wages and includes in the case of a deceased employer, his legal representative.”

(ii) for clause (k), the following clause shall be substituted, namely:

“(k) “person employed” or “employed person” means a person employed in a mine or an oil-field to whom the Act applies and includes, in the case of a deceased employed person, his legal representative.”

3. For rule 6 of the said rules, the following rule shall be substituted, namely:—

“6. *Preservation and maintenance of registers—*

(1) Every register maintained under the Act or these rules shall be preserved for a period of three years after the date of the last entry made therein.

(2) The registers maintained under the Act or these rules shall be maintained in English or in Hindi, but where a register is maintained in Hindi, a true translation thereof in English shall also be maintained”.

4. After rule 6 of the said rules, the following rule shall be inserted, namely:—

“6-A *Production of registers and other records:*

All registers and records required to be maintained by the employer under these rules shall on demand be produced before the Inspector:

Provided that where an establishment has been closed, the Inspector may demand the production of the registers and records in his office of such other public place as may be nearer to the employer.”

5. In rule 19 of the said rules, for sub-rules (1) and (2), the following sub-rules shall be substituted, namely:—

“(1) As advance of any nature (including advances for travelling allowance or conveyance allowance) shall not ordinarily exceed two calendar months' wages of the employed person. In exceptional circumstances, the amount of such advance, may, with the previous sanction of the regional Labour Commissioner (Central) be made to the extent of ten calendar months' wages.

(2) The advance may be recovered in instalments by deduction from the wages spread over for not more than twelve months in the case of an ordinary advance and sixty months in the case of an advance granted in exceptional circumstances. In no case shall the amount of an instalment exceed one fourth of the wages earned in a wage period.”

6. After rule 19 of the said rules, the following rule shall be inserted, namely:—

“19-A. *Loans for house building and other purposes:*

(1) A loan may be granted by the employer to the employed persons for purposes of:—

(a) building a house or for effecting repairs in and extension of an existing house; or

(b) purchase of a built house or of a plot for building a house; or

(c) marriage of the employed person, his son or daughter; or

(d) treatment of prolonged illness of the employed person or a member of his family.

(2) (i) A loan for the purposes specified in clause (a) of sub-rule (1), other than for the purposes of effecting repairs in an existing house and for the purposes of clauses (b) and (c) of the said sub-rule shall not exceed an amount equal to thirty-six calendar months wages of the employed person or ten thousand rupees whichever is less.

- (ii) For the purpose of effecting repairs to an existing house, the amount of loan shall not exceed three thousand rupees.
- (iii) The amount of loan for the purposes specified in clause (d) of sub-rule (1) shall not exceed a sum equivalent to four calendar months wages of the employed person or one thousand rupees whichever is less.

(iv) Interest on all such loans shall not exceed 6 per cent per annum.

- (3) The amount of loans sanctioned under sub-rule (1) and repayments thereof together with interest thereon shall be entered in a register in Form VI-A which shall be maintained upto date and kept at the work-spot or as near to it as possible.

7. For rule 22 of the said rules, the following rule shall be substituted, namely:—

“22 *Penalties*.—Whoever, being required under these rules, to maintain any register or record or to furnish any information or return fails to maintain such register or record or to furnish such information or return, shall, for each such offence, be punishable with fine which may extend to five hundred rupees:

Provided that an employer who maintains the required register or record or furnishes the required return without making entries therein, shall be punishable with fine which may extend to two hundred rupees.”

8. In Form A, after Column 5 the following column shall be inserted, namely:—

“6. Number of persons affected.”

9. After Form VI of the said rules, the following Form shall be inserted, namely:—

FORM VI A

(See rule 19A)

Register of loans granted to the employed persons for house building or other approved purposes

Sl. No.	Name	Father/Husband's Name	Nature of employment	Amount of Loan	Date when granted	Purpose for which granted	Instalment for repay- ment of loan		Dates of instal- ments repaid	Date on which total amount repaid	Signa- ture or thumb impres- sion of the worker or remarks
							No. of instal- ments	Amount of each instalment Rs. P.			
				Rs.							
I	2	3	4	5	6	7	8	9	10	11	12

[No. 19/13/67-Fac. I]

J. D. TEWARI, Under Secy.

(Department of Labour and Employment)*New Delhi, the 10th May 1968*

S.O. 1753.—In exercise of the powers conferred by sub-sections (2) and (4) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 the Central Government hereby appoints Shri B. K. Advani, Chief Engineer, Mormugao Port Trust as a member of the Mormugao Dock Labour Board *vice* Shri E. H. Simoes, retired, and nominates him to be the Chairman of the said Board, and makes the following further amendments in the notification of the Government of India in the late Ministry of Labour and Employment No S.O. 1220 dated the 15th April 1965, namely:—

In the said notification,—

- (i) under the heading "*Members representing the Central Government,*" for the entry against item (1), the following entry shall be substituted, namely:—

"Shri B. K. Advani, Chief Engineer, Mormugao Port Trust.";

- (ii) in paragraph 2, for the words and letters "Shri E. H. Simoes, Chairman", the words and letters "Shri B. K. Advani, Chief Engineer" shall be substituted.

[No. 550/4/65-Fac. II.]

(Department of Labour and Employment)**ORDERS***New Delhi, the 8th May 1968*

S.O. 1754.—Whereas the employers in relation to the Madras Dock Labour Board, Madras and their workmen represented by Madras Port and Dock Workers Congress, Madras Harbour Workers Union and Madras Port and Dock Workers Progressive Union, Madras have jointly applied to the Central Government for a reference of an industrial dispute that exists between them to a Tribunal in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by section 7A, and sub-section (2) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Tajamul Hussain shall be the Presiding Officer, with headquarters at Madras and refers the said dispute to the said Tribunal for adjudication.

SCHEDULE

(1) Whether regular promotion to the category of Tindals should be limited to Winchmen as at present or thrown open also to Mazdoors who have been acting in casual vacancies over long periods as per Clause 30 of the Madras Dock Workers (Regulation of Employment) Scheme, 1956, if the Mazdoors are to be so promoted, on what qualifying terms.

(2) Whether the Madras Dock Workers (Regulation of Employment) Scheme, 1956 should be amended to remove the existing anomalies in regard to promotion to the category of Tindals in casual vacancies and on a regular basis and if so, whether the same conditions must be prescribed for both types of promotions or any distinction should be drawn between the two.

[No. 29(12)/68-LRIII.]

S.O. 1755.—Whereas an industrial dispute exists between the employers in relation to Messrs D. B. Khona, Steamer Agents, Cochin, and their workmen represented by Port and Steamer Workmen's Association, Cochin;

And whereas the said employers and their workmen have, by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government, under sub-section (3) of section 10A of the said Act, a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 26th April, 1968.

AGREEMENT UNDER SECTION 10A OF THE INDUSTRIAL DISPUTES ACT, 1947.

BETWEEN

Names of the Parties:

Representing employers:	Shri N. V. Venkateswaran, Shipping Manager, M/s. D. B. Khona, Steamer Agents, Cochin-2.
Representing workmen:	Shri Donald Clement's Secretary, Port and Steamer Workmen's Association, Cochin-2.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri R. Venkatesan, Regional Labour Commissioner (Central), Madras.

(i) *Specific matters in dispute:*

The case of the union is that Shri Thomas T. Peter who had served the Company for about 12 years from 1954 as Assistant Supervisor was denied employment without any chargesheet from September 1966. In spite of repeated requests by the workman through his union, the management did reinstate him. The management denied the above allegation of the union and stated as under:—

Shri Thomas T. Peter was a casual worker employed by our Supervisor from 1955 whenever they had vessels at the port. In 1963 the agency of Great Eastern Shipping Company was taken over from the management by M/s. Harrisons & Crosfield Limited and the workload had considerably reduced. Around that time, the Dock Labour Board was processing the list of tally clerks for the purpose of de-casualisation. Mr. Thomas T. Peter had voluntarily enlisted with the Cochin Dock Labour Board along with other tally clerks who were also being casually engaged by the management. Even after his registration under the Cochin Dock Labour Board, Shri Peter used to be engaged casually and sporadically by our Supervisor. From September 1966 Shri Peter was not regular in attending to his duties or offering himself for employment with the management. As far as the management is concerned, it is a case of voluntary staying away from duty and not a case of denial of employment.

Now, therefore, the question to be decided by the Arbitrator is whether it is a case of denial of employment to Shri Thomas T. Peter, Asst. Supervisor from September 1966 by the management of M/s. D. B. Khona, Steamer Agents, Cochin-2 or whether it is a case of voluntary stopping away from duty by Shri Thomas T. Peter, as alleged by the management. If it is a case of the former, to what relief is the workman entitled?

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved:

Management: M/s. D. B. Khona, Steamer Agents, Cochin-2.

Workmen: The Secretary, Port & Steamer Workmen's Association, Cochin-2.

(iii) Name of the union, if any representing the workmen in question:
The Port and Steamer Workmen's Association, Cochin-2.

(iv) Total number of workmen employed in : 22 the undertaking affected.

(v) Estimated number of workmen affected or likely to be affected by the dispute:
One.

The Arbitrator shall give his award within three months. The period may be extended on mutual consent of the parties.

We further agree that the decision of the arbitrator shall be binding on us.

Signature of the parties:—

For M/s Devshi Bhanji Khona.

Sd./- *Illegible*.

Representing Employers.

Representing workmen for Port & Steamer Worker's Association

Sd./- *Illegible*.

Secretary.

Witnesses:—

1. Sd./- *Illegible*

2. Sd./- *Illegible*

Dated 17th April, 1968.

[No. 29/21/68-LRIII.]

C. RAMDAS, Under Secy.

